A COLLECTION OF STATUTES

CONNECTED WITH THE

GENERAL ADMINISTRATION OF THE LAW;

ARRANGED

ACCORDING TO

THE ORDER OF SUBJECTS,

WITH NOTES,

BY

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Part V. Class I.

STATUTES RELATING TO RELIGION AND ECCLESIASTICAL AUTHORITY.*

No. 1.

35 Edward I. st. 1. c. 2. — Religious Persons shall send nothing to their Superiors beyond the Sea.

No. 2.

25 Edward III. st. 5. c. 22. — He that purchaseth a Provision in *Rome* for an Abbey, shall be out of the King's Protection, and any Man may do with him as with the King's Enemy.

* The Statutes referred to in this Division are very numerous, and their Contents are very material and important as Matter of legal and political History. Considering the Nature of this Work, and the Space which it already occupies, I have thought it eligible to insert only such Statutes as may still be considered as material in respect of their practical Operation, with the exception of two of the ancient Statutes, which explain the Object and Meaning of the once important Expression, *Præmunire*. The Restrictions that still exist form the Subject of a Controversy which is still maintained with considerable Warmth. Under the strong and long-continued Impression that those Restrictions might be withdrawn, as inapplicable to the present State of the Country, and unnecessary with regard to the Interests and Security of the established Church, I have so far entered into the Controversy as to state the Grounds of that Impression, in a Series of "Letters on the legal Disabilities of Roman Catholics and Dissenters, and the Dangers apprehended from their Removal"—Ridgway, 1813; but I am aware that any Investigation, partaking of the Nature of political Controversy, would not be consistent with the Design and Character of this Collection.

No. 3.

25 Edward III. st. 6. — The King and other Lords shall present unto Benefices of their own, or their Ancestors Foundation, and not the Bishop of *Rome*.

Ex Rot. in Turr. Lond. *m.* 17.

No. 3. 25 Edward III. st. 6.

35 Ed. 1. c. 4. § 3.

" WHEREAS late in the " Parliament of good ' Memory of *Edward* King of ' *England*, Grandfather to our ' Lord the King that now is, ' the xxxv. Year of his Reign, ' holden at *Carlisle*, the Petition heard, put before the " said Grandfather and his " Council in his said Parliament ' by the Commonalty of the said Realm, containing, That whereas the holy Church of *England* was founded in the Estate of Prelacy, within the Realm of *England*, by the said Grandfather and his Progenitors, ' and the Earls, Barons and ' other Nobles of his said ' Realm, and their Ancestors, ' to inform them and the People, of the Law of God, ' and to make Hospitalities, ' Alms, and other Works of ' Charity, in the Places where " the Churches were founded, " for the Souls of the Founders, " their Heirs, and all Christians; and certain Possessions, as well in Fees, Lands, Rents, as in Advowsons, ' which do extend to a great ' Value, were assigned by the ' said Founders to the Prelates ' and other People of the holy " Church of the said Realm, to sustain the same Charge, and especially of the Possessions which were assigned ' to Archbishops, Bishops, " Abbots, Priors, Religious, " and all other People of holy " Church, by the Kings of the " said Realm, Earls, Barons,

COME jadis en le parlement de bone memoire Sire *Edward* Roi dEngleterre Ael nostre Seignur le Roi qore est lan de son regne trentisme quint a Kardoil tenuz oie la petition mise devant le dit Ael & son conseil en le dit parlement par la communalte de son Roialme contenant qe come seinte eglise dEngleterre soit founde en estat de prelacie deins le Roialme dEngleterre par le dit Ael & ses Progenitours & Countes Barons & Nobles de son Roialme & lour ancestres pur eux & le poeple enfourmer de la lei Dieu & pur faire hospitalites aumoignes & autres oevres de charite es lieux ou les eglises feurent foundes pur les almes de foundours & de lour heirs & de touz Cristiens & certeins possessions tant en feez terres & rentes come en avowesons qe se extendent a grande value par les ditz foundours feurent assignez as Prelatz & autres gentz de seinte eglise du dit Roialme pur cele charge sustenir & nomement des possessions qe feurent assignez as Ercevesqes Evesqes Abbes Priours Religious & autres gentz de seinte eglise par les Rois du dit Roialme Countes Barons & autres Nobles de son Roialme meismes les Rois Countes Barons & Nobles come Seignurs & avowes eussent & aver deussent la garde de tieles voidances & les presentementz & collations des benefices esteantz des tieles prelacies.

Ex Rot. in Turr. Lond.

Et les ditz rois en temps passe soloient aver la greindre partie de lour conseils pur la salvation du roialme quant ils en eurent mester de tiels prelatz & clercs issint avances Le Pape de Rome acrochant a lui la Seignurie de tieles possessions & benefices meismes les benefices dona & graunta as aliens qi unqes ne demurerent el roialme dEngleterre & as Cardinalx qe y demurer ne purroient & as autres tant aliens come denzeins autresi come il eust este patron en avowe des dites dignites & benefices come il ne feust de droit selonc la lei dEngleterre par les queux sils feussent soeffertz a peine demurroit ascun benefice en poi de temps el dit roialme qil ne serroit es meins daliens & denzeins par vertue de tieles provisions contre la bone volunte & disposition des foundours de meismes les benefices & issint les elections des Erceuesques Evesches & autres religious faudroient & les almoignes hospitalites & autres oevres de charite qe serroient faitz as ditz lieux serroient sustretes le dit Ael & autres lais patrons en temps de tieles voidances perderoient lour presentementz le dit conseill periroit & biens sanz nombre serroient emportes hors du roialme en adnullation del estat de seinte eglise dEngleterre &

"and other great Men of his "Realm; the same Kings, "Earls, Barons and other "Nobles, as Lords and Advowees, have had and ought "to have the Custody of such "Voidances, and the Presentments and the Collations of "the Benefices being of such "Prelacies. No. 3. 25 Edward III st. 6.

"II. And the said Kings "in Times past were wont to "have the greatest Part of "their Council, for the Safeguard of the Realm when "they had Need, of such "Prelates and Clerks so ad "vanced; the Bishop of Ro "accroaching to him the " niories of such Pos "and Benefices, doth d "grant the same B to "Aliens, which ever "dwell in *Englanc* to "Cardinals, which not "dwell here, and t r as "well Aliens as De , as "if he had been or "Advowee of the sa gni- "ties and Benefice he "was not of Right by aw "of *England*; wherel ey "should be suffere re "should scarcely be le- "nefice within a sh ne "in the said Realm, at it should be in the Hands of "Aliens and Denizens "virtue of such Provis "against the good Will a "Disposition of the Founder "of the same Benefices; and "so the Elections of Archbishops, Bishops, and other "Religious should fail, and "the Alms, Hospitalities, and "other Works of Charity, "which should be done in the "said Places, should be withdrawn, the said Grandfather, and other Lay-Patrons,

The Pope stowed Living Alien dwe' Er

The Inconveniences ensuing thereon.

No. 3.
25 Edward III. st. 6.

"in the Time of such Voidances, should lose their Presentments, the said Council should perish, and Goods without Number, should be carried out of the Realm, in Adnullation of the Estate of the holy Church of *England*, and Disherison of the said Grandfather, and the Earls, Barons, and other Nobles of the said Realm, and in Offence and Destruction of the Laws and Rights of his Realm, and to the great Damage of his People, and in Subversion of all the Estate of his said Realm, and against the good Disposition and Will of the first Founders; By the assent of the Earls, Barons, and other Nobles, and of all the said Commonalty, at their Instances and Requests, the Damage and Grievances afore considered, in the said full Parliament it was ordained, provided, established, agreed, adjudged, and considered, That the said Oppressions, Grievances, and Damages in the same Realm from henceforth should not be suffered in any Manner. And now it is shewed to our "Lord the King in this present Parliament holden at *Westminster*, at the *Utas* of the Purification of our Lady, the five and twentieth Year of his Reign of *England*, and of *France* the twelfth, by the grievous Complaints of all the Commons of his Realm, that the Grievances and Mischiefs aforesaid do daily abound, to the greater Damage and Destruction of all his Realm of *E*

Ex Rot. in Turr. Lond.

desheriteson du dit Ael & des Countes Barons & nobles & en offens & destruction des lois & droitures de son roialme & grant damage de son poeple & subversion del estat de tut son roialme susdit & contre la bone disposition & volunte des primers foundours del assent des Countees Barons nobles & tute la dite communalte a lour instante requeste consideres les damages & grevances susdites en le dit plener parlement feust purveu ordine & establi qe les dites grevances oppressions & damages en meisme le roialme des adonqes mes ne serroient soeffertz en ascun manere. Et ja monstre soit a nostre Seignur le Roi en cest parlement tenuz a Westm' a les octaves de la Purification de nostre Dame lan de son regne dEngleterre vintisme quint & de France dusxisme par le greveuse pleinte de toute la communalte de son roialme qe les grevances & meschiefs susditz sabondent de temps en temps a plus grant damage & destruction de tut le roialme plus qe unqes ne firent cest assaver qore de novel nostre seint Piere le Pape par procurement des clercs & autrement ad reservee & reserve de jour en autre a sa collation generalment & especialment sibien Erceveschees Eveschees Abbeies & Priores come totes dignetes & autres benefices dEngleterre qesont del avowerie de gentz de seinte eglise & les doune auxibien as aliens come as denzeins & prent de touz tiels benefices les primeres fruitz & autres profitz plusours & grande partie du tresor del roialme si est emporte & despendu hors du roialme par les purchace-

Ex Rot. in Turr. Lond.

ours de tieles graces & auxint par tieles reservations prives plusours clercs avances en ceste roialme par lour verroies patrons qe ont tenuz lour avancementz par long temps pesiblement sont sodeinement ostes sur quoi la dite communaltee ad prie a nostre Seignur le Roi qe desicome le droit de la Corone dEngleterre & la loi du dite roialme sont tieles qe sur meschiefs & damages qe si aviegnont a son roialme il doit & est tenuz par son serement del acord de son poeple en son parlement faire ent remede & lei en ostant les meschiefs & damages qensi aviegnont qe lui pleise de ce ordiner remedie.

"more than ever were before, *viz.* that now or late the Bishop of *Rome*, by Procurement of Clerks and otherwise, hath reserved, and doth daily reserve to his Collation, generally and especially, as well Archbishopricks, Bishopricks, Abbeys, and Priories, as all other Dignities and other Benefices of *England*, which be of the Advowry of People of holy Church, and give the same as well to Alien as to Denizens, and take of all such Benefices the F[illegible] Fruits, and many other Profits, and a great Part of the Treasure of the said Realm is carried away and dispended out of the Realm, [illegible] the Purchasers of such Benefices and Graces a[illegible]id; and also by such pr[illegible] Reservations many Cle[illegible] [illegible]vanced in this Realm [illegible] eir true Patrons, which h[illegible] peaceably holden thei[illegible] [illegible]ancements by long Ti[illegible] [illegible] suddenly put out: [illegible] upon the said Comm[illegible] [illegible]ave prayed our said [illegible] the King, that sith the[illegible] [illegible]t of the Crown of *Engl*[illegible]nd the Law of the sai[illegible] [illegible]lm is such, that upon t[illegible] [illegible] chiefs and Damage[illegible] happen to his Real[illegible] ought, and is bound by Oath, with the Accord [illegible] his People in his Parliament, thereof to make Remedy and Law, and in removing the Mischiefs and Damages which thereof ensue, that it may please him thereupon to ordain Remedy.

No. 3. 25 Edward III. st. 6.

The Pope giveth the Benefices of the Church, and reserveth the first Fruits to himself

Nostre Seignur le Roi veiant les meschiefs & damages susnomes & eant regard al dit

"III. Our Lord the King, seeing the Mischiefs and Damage before mentioned,

The Causes and Reasons of making this Statute.

No. 3.
25 Edward III. st. 6.

" and having Regard to the
" said Statute made in the
" Time of his said Grand-
" father, and to the Causes
" contained in the same;
" which Statute holdeth always
" his Force, and was never
" defeated, nor adnulled in
" any Point, and by so much
" as he is bounden by his
" Oath to cause the same to
" be kept as the Law of his
" Realm, though that by Suf-
" ferance and ... gligence it
" ha ... e attempt-
" d ... also hav-
" ... egard ... grievous
" ... mplaints ... him by
" People in ... s Par-
" ... nts hold... ... fore,
" ... g to orda ... edy
" ... great Da ... d
" ... fs which h ...
" p ... and daily do ... en
" to ... hurch of *England* by
" the ... ause;" 'by the
' Ass ... e Great Men
' and the ... onalty of the
' said Re ... o the Honour
' of Go ... Profit of the said
' Chur ... *England*, and of
' all ... lm, hath ordered
' and ... hed, That the free
' El ... of Archbishops,
' ... and all other Dig-
' ... nd Benefices elective
' ... *gland*, shall hold from
' ... eforth in the Manner
' ... ey were granted by the
' ... ng's Progenitors, and the
' Ancestors of other Lords,
' ... ounders of the said Digni-
' ties and other Benefices.
' And that all Prelates and
' other People of holy Church,
' which have Advowsons of
' any Benefices of the King's
' Gift, or of any of his Pro-
' genitors, or of other Lords
' and Donors, to do Divine
' Services, and other Charges

Elections of the Dignities of the Church shall be free, as they were founded.

... ot ... ities of ... urch, their Heirs, ... all have the Collation or Presentation to ... being void.

Ex Rot. in Turr. Lond.

estatut fait en temps son dit
Ael & a les causes contenues
en ycele le quel estatut tient
touz jours sa force & ne feust
unqes defait ne anulli en nul
point & pur tant est il tenuz
par son serement del faire gar-
der come la loi de son roialme
coment qe par soeffrance &
negligence ad este puis attemp-
te a contraire & auxint eant
regard a les grevouses pleintes
a lui faites par son poeple en
ses divers parlementz cea
enarere tenuz voillantz les tres-
grantz damages & meschiefs
qe sont avenuz & viegnont de
jour en autre a la Eglise dEn-
gleterre par la dite cause reme-
de ent ordiner par assent de
touz les grantz & la commu-
nalte de son dit roialme Al ho-
nur de Dieu & profit de la dite
eglise dEngleterre & de tut son
roialme ad ordine & establi qe
les franches elections des Erce-
veschees Eveschees & tutes
autres dignites & benefices
el... ... en Engleterre se tieg-
ne ... ore en manere come
eles ... t grantes par les pro-
eni ... ostre dit Seignur le
... oi & ... es auncestres dau-
tres S ... foundes. Et qe
touz p ... autres gentz de
seinte e ... ont avowesons
de quec ... benefices des
douns nos ... nur le Roi &
de ses pro ... s ou dautres
Seignurs & ... rs pur faire
divines servi ... utres char-
ges ent ordine ... lour col-
lations & prese ... ntz fran-
chement en ma ... come ils
estoient feffes pa ... donours.
Et en cas qe das ... Erceves-
chee Eveschee d ... ou au-
tre quecunqe ben ... soit re-
servation collation ... provi-
sion faite par la co ... ome
en destourbance d ... tons

Ex Rot. in Turr. Lond.

collations ou presentations sus-nomes qe a meisme les temps des voidances qe tieles reservations collations & provisions deusent prendre effeit qe a meisme la voidance nostre Seignur le Roi & ses heirs eient & enjoicent pur cele foitz les collations as Erceveschees Eveschees & autres dignites electives qe sont de savowerie autieles come ses progenitours avoient avant qe franche election feust graunte desicome les elections feurent primes grantez par les progenitours le Roi sur certeines forme & condition come a demander du Roi conge de eslir & puis apres la election daver son assent roial & nemye en autre manere les queles conditions nyent gardez la chose doit par reson resortir a sa primere nature.

No. 3. 25 Edward III. st. 6.

'thereof ordained, shall have 'their Collations and Presents freely to the same, in 'the Manner as they were en-'feoffed by their Donors. And 'in case that Reservation, 'Collation, or Provision be 'made by the Court of *Rome*, 'of any Archbishoprick, Bi-'shoprick, Dignity, or other 'Benefice, in Disturbance of 'the free Elections, Collations, 'or Presentations aforenamed, 'that at the same Time of the 'Voidance, that such Reser-'vations, Collations, and Pro-'visions ought to take Effect, 'our Lord the King and his 'Heirs shall have and enjoy 'for the same Time the Col-'lations to the Archbishopricks, 'and other Dignities elective, 'which be of his Advowry, 'such as his Progenitors had 'before that free Election was 'granted, since that the Elec-'tion was first granted by the 'King's Progenitors upon a 'certain Form and Condition, 'as to demand Licence of the 'King to chuse, and after the 'Election to have his Royal 'Assent, and not in other 'Manner; which Conditions 'not kept, the Thing ought by 'Reason to resort to his first 'Nature.

Where the Pope maketh Provision to a Dignity of the Church, the King shall present.

Et qe si dascune meson de religion del avowerie le Roi soit tiele reservation collation ou provision faite en destourbance de franche election eit nostre Seignur le Roi & ses heirs a cele foitz la collation a doner cele dignite a persone covenable. Et en cas qe reservation collation ou provision soit faite a la court de Rome de nule eglise prevende ou autre benefice qe sont del avowerie des genz de

'IV. And if any such Re-'servation, Provision, or Col-'lation be made of any House 'of Religion of the King's 'Advowry, in Disturbance of 'free Election, our Sovereign 'Lord the King, and his Heirs, 'shall have for that Time the 'Collation to give this Dig-'nity to a convenient Person. 'And in case that Collation, 'Reservation, or Provision be 'made by the Court of *Rome*, '[illegible] Church, Prebend, or

No. 3.
25 Edward III. stat. 6.

'other Benefices, which be of 'the Advowry of People of 'holy Church, whereof the 'King is Advowee Paramount 'immediate, that at the same 'Time of the Voidance, at 'which Time the Collation, 'Reservation, or Provision 'ought to take Effect as afore 'is said, the King and his 'Heirs thereof shall have the 'Presentment or Collation for 'that Time. And so from 'time to time, whensoever 'such People of holy Church 'shall be disturbed of their 'Presentments or Collations, 'by such Reservations, Colla-'tions, or Provisions, as afore 'is said; saving to them the 'Right of their Advowsons 'and their Presentments, when 'no Collation or Provision of 'the Court of *Rome* is there-'of made, where that the said 'People of holy Church shall 'or will to the same Benefices 'present or make Collation; 'and that their Presentees may 'enjoy the Effect of their Col-'lations or Presentments. And 'in the same Manner every 'other Lord, of what Condi-'tion that he be, shall have 'the Collations or Present-'ments to the Houses of Reli-'gion which be of his Advow-'ry, and other Benefices of 'holy Church which be per-'taining to the same Houses. 'And if such Advowees do 'not present to such Benefices 'within the half Year after 'such Voidances, nor the 'Bishop of the Place do not 'give the same by Lapse of 'Time within a Month after 'half a Year, that then the 'King shall have thereof the 'Presentments and Collations, 'as he hath of other of his own

44 Ed. 3. f. 36.

The Penalties of those which by Provisions from Rome do disturb such Presentments or Elections as others ought to make.

Ex Rot. in Turr. Lond.

seinte eglise dont le Roi est avowe Paramount immediat qe a mesme le temps de voidance a quel temps la reservation collation ou provision deusent prendre effeit come desus est dit qe le Roi & ses heirs de ce eient le presentement ou collation a cele fonz. Et issint de temps en temps a totes les foitz qe tieles gentz de seinte eglise serront destourbez de lour presentementz ou collations par tieles reservations collations ou provisions come desus est dit Sauvee a eux le droit de lour avowesons & presentementz qant nul collation ou provision de la court de Rome ent ne soit faite ou qe les dites gentz de seinte esglise osent et vuillent a meismes les benefices presenter ou collation faire et lour presentees puissent leffect de lour collations et presentementz enjoier. Et en meisme la manere eit chescun autre Seignur de quel condition qil soit les presentementz ou collations a les mesons de religion qe sont de savowrie et as benefices de seinte eglise qe sont apurtenantz a meismes les mesons. Et si tiels avowes ne presentent point a tieles benefices deinz le demy an apres tieles voidances ne levesqe de lieu ne la doune par laps de temps deinz un mois apres le demy an qe adonqes le Roi eit ent les presentementz et collations come il ad dautres de savowerie demeisne. Et en cas qe les presentees le Roi ou les presentes dautres patrons de seinte eglise ou de lour avowes ou ceux as quex le Roi ou tielx patrons ou avowes suditz averont done benefices apurtenantz a lour presentementz ou collations soient des-

Ex Rot. in Turr. Lond.

tourbez par tiels provisours issint qils ne puissent avoir possession de tieles benefices par vertue des presentementz et collations issint a eux faitz ou qe ceux qe sont en possession des tiels benefices soient empesches sur lour dites possessions par tielx provisours adonqes soient les ditz provisours et lour procuratours executours et notaires attaches par lour corps et menes en response et sils soient convictz demoergent en prisone sanz estre lesse a meinprise en baille ou autrement delivres tanqils averont fait fin et redemption au Roi a sa volente et gree a la partie qe se sentera greve. Et nient meins avant qils soient delivrers facent pleine renunciation et troevent sufficeante seurete qils nattempteront tiele chose en temps avenir ne nul proces sueront par eux ne par autre devers nuly en la dite court de Rome ne nule part aillours pur nules tieles emprisonementz ou renunciations ne nule autre chose dependant de eux.

Et en cas qe tielx provisours procuratours executours et notaires ne soient trovez qe lexigende courge devers eux par due proces et qe briefs issent de prendre lour corps quel

B 2

No. 3. 25 Edward III. stat. 6.

'Advowry. And in case that 'the Presentees of the King, 'or the Presentees of other 'Patrons of holy Church, or 'of their Advowees, or they 'to whom the King, or such 'Patrons or Advowees afore-'said, have given Benefices 'pertaining to their Present-'ments or Collations, be dis-'turbed by such Provisors, so 'that they may not have Pos-'session of such Benefices by 'virtue of the Presentments or 'Collations to them made, or 'that they which be in Posses-'sion of such Benefices, be 'impeached upon their said 'Possessions by such Provi-'sors; then the said Provisors, 'their Procurators, Executors, 'and Notaries, shall be at-'tached by their Body, and 'brought in to answer; and 'if they be convict, they shall 'abide in Prison without being 'let to Mainprise or Bail, or 'otherwise delivered, till that 'they have made Fine and 'Ransom to the King at his 'Will, and Gree to the Party 'that shall feel himself grieved. 'And nevertheless before that 'they be delivered, they shall 'make full Renunciation, and 'find sufficient Surety that 'they shall not attempt such 'Things in Time to come, nor 'sue any Process by them, nor 'by other, against any Man 'in the Court of *Rome*, nor in 'any Part elsewhere, for any 'such Imprisonments or Re-'nunciations, nor any other 'Thing depending of them.

'V. And in case that such 'Provisors, Procurators, Ex-'ecutors, or Notaries be not 'found, that the Exigent shall 'run against them by due Pro-'cess, and that Writs shall go

No. 3. 25 Edward II. stat. 6.

'forth to take their Bodies in what Parts they be found, as well at the King's Suit, as at the Suit of the Party, and that in the mean Time the King shall have the Profits of such Benefices so occupied by such Provisors, except Abbeys, Priories, and other Houses, which have Colleges or Covents, and in such Houses the Colleges and Covents shall have the Profits; saving always to our Lord the King, and to all other Lords, their old Right. And this Statute shall have Place as well of Reservations, Collations, and Provisions made and granted in Times past against all them which have not yet obtained corporal Possession of the Benefices granted to them by the same Reservations, Collations, and Provisions, as against all other in Time to come. And this Statute oweth to hold Place and to begin at the said *Utas*.'

Ex Rot. in Turr. Lond.

part qils soient trovez auxibien a la suite le Roi come de partie et qen le mesne temps le Roi eit les profitz de tielx benefices issint ocupez par tielx provisours forspris Abbeies Priories & autres mesons qont college ou covent & en tieles mesons eient les covent & colleges les profitz sauvant totefoitz a nostre Seignur le Roi & as autres Seignurs lour aunciene droit. Et eit cest estatut lieu auxibien de reservations collations & provisions faites & grantes en temps passe devers touz ceux qe ne sont unqore adept corporele possession des benefices a eux grauntes par meismes les reservations collations & provisions come devers touz autres en temps avenir. Et doit cest estatut tenir lieu commenceant a les octaves susditz.

No. 4.

27 Edward III. stat. 1. c. 1.—Præmunire for suing in a Foreign Realm, or Impeaching of Judgment given.

No. 5.

38 Edward III. stat. 1. c. 4.—Penal Bonds in the third Person shall be void. (1.)

No. 6.

38 Edward III. stat. 2. c. 1.—Persons receiving Citations from *Rome* in Causes pertaining to the King, &c. to incur the Penalties of 25 *Edw.* 3. stat. 6.

(1.) [illegible] of the Laws, vol. 3. p. 386.) "That Statute may [illegible] Laws for restraining the Clergy from drawing Money out of the Ki[illegible] to the Court of Rome. It says, that whereas many People were bo[illegible] in *another Court* out of the Realm (namely, that of Rome) by Instruments, [illegible] other Manner, *such* penal Bonds in the third Person (which Form [illegible] liar to them) should be void."

38 Edward III. stat. 2. c. 2. — Suspected Persons not appearing before the King's Justices, after Warning, to incur the Penalty of 27 *Edw.* 3. stat. 1. c. 1.

38 Edward III. stat. 2. c. 3.—Such Offenders to be out of the King's Protection, and punished according to the Statute of 27 *Edw.* 3. stat. 1. c. 1.

38 Edward III. stat. 2. c. 4.—The Punishment of those who sue falsely and maliciously upon this Statute. The Consent of the King and Parliament to appeach Offenders against the same.

No. 7.

2 Richard II. c. 7.—*Urban* was duly chosen Pope, and so ought to be accepted and obeyed.

No. 8

3 Richard II. c. 3.—None shall take any Benefice of an Alien, or convey Money to him.

No. 9.

7 Richard II. c. 12.—No Alien shall purchase or occupy any Benefice of the Church within this Realm.

No. 10.

12 Richard II. c. 15.—He that will go out of the Realm to provide a Benefice within the Realm, shall be out of the King's Protection, and the Benefice shall be void.

No. 11.

13 Richard II. stat. 2. c. 2. — A Confirmation of the Statute of Provisors, made Anno 25 *Edw.* 3. stat 6. and the Forfeiture of him that accepteth a Benefice contrary to that Statute.

13 Richard II. stat. 2. c. 3.—The Penalty of him which bringeth a Summons or Excommunication against any Person upon the Statute of Provisors, and of a Prelate executing it.

No. 12.

16 Richard II. c. 5.—*Præmunire* for purchasing Bulls from *Rome*. The Crown of *England* subject to none.

No 12.
16 Richard II. c. 5.

The Remedy to recover Presentments to Benefices in the King's Court, and the Execution thereof, is done by the Bishop.

Ex Rot. in Turr. Lond.

" ITEM, Whereas the Commons of the Realm in this present Parliament have shewed to our redoubted Lord the King, grievously ' complaining, That whereas ' the said our Lord the King, ' and all his liege People, ' ought of Right, and of old ' Time were wont to sue in " the King's Court, to re- " cover their Presentments to " Churches, Prebends, and " other Benefices of holy " Church, to the which they " had Right to present, the " Cognisance of Plea of which " Presentment belongeth only " to the King's Court of the " old Right of his Crown, " used and approved in the " Time of all his Progenitors " Kings of *England*; and when " Judgment shall be given in " the same Court upon such a " Plea and Presentment, the " Archbishops, Bishops, and " other spiritual Persons which " have Institution of such Be- " nefices within their Juris- " diction, be bound, and have " made Execution of such " Judgment by the King's " Commandments of all the " Time aforesaid without In- " terruption (for another Lay- " person cannot make such " Execution) and also be " bound of Right to make " Execution of many other of " the King's Commandments, " of which Right the Crown " of *England* hath been peace- " ably seised, as well in the " Time of our said Lord the

ITEM come les communes du Roialme en cest present parlement eient monstrez a nostre tresredoute Seignur le Roi grevousement compleignantz qe par la ou mesme nostre Seignur le Roi & toutz ses liges deivent de droit & soloient de tout temps purseuer en la Courte mesme nostre Seignur le Roi pur recoverer lour presentementz as eglises prebendes & autres benefices de seinte esglise as queux ils ount droit a presenter la conisance de plee de quele presente appertient soulement a Courte mesme nostre Seignur le Roi dauncienc droit de sa coroune use & approve en temps de touz ses progenitours Rois dEngleterre & qant juggement soit rendu en mesme sa Courte sur tiel plee & presente les Ercevesques Evesques & autres persones spiritueles qount institution de tiele benefice deinz lour jurisdiction sont tenuz & ont fait execution des tieux juggementz par mandement des Rois de tout le temps avantdit sanz interruption qare autre lay persone ne poet tiele execution faire et auxint sont tenuz de droit de faire execution de plusours autres mandementz nostre Seignur le Roi de quele droit la corone dEngleterre ad este peisiblement seisy sibien en temps nostre dit Seignur le Roi come en temps de tous sez progenitours tanqe enca Mes ore tarde diverses processes sont faitz par le seint piere le Pape et censures descomenge-

Ex Rot in Turr. Lond.

mentz sur certeins Evesques dEngleterre pur ceo qils ount fait execution des tieux mandementz en overte desheritance de la dite corone et destruction du regalie nostre dit Seignur le Roy sa ley et tout son Roialme si remedie ne soit mys. Et auxint dit est et commune clamour y ad qe le dit seint piere le Pape ad ordeigne et purpose de translater aucuns Prelates de mesme le Roialme ascuns hors du Roialme et aucuns de un Eveschee a autre deinz mesme le Roialme saunz assent et conisance nostre Seignur le Roy et saunz assent du Prelat qi ensy serroit translate queux Prelatz sont moult profitables et necessaries a nostre dit Seignur le Roi et tout son Roialme par queux translat[ions] s'ils fussent suferts les estatutz du Roi[alme] serront defaitz et anientez et ses sages lieges de son conseill sanz son assent et encontre sa voluntee subitez & [e]lonquez hors de son roiaume & [l'av]oir & tresore du roiaume s[er]ra emporte & ensi mesme le [roi]ume destitut sibien de counseill come davoir a final destruction de mesme le Roialme & ensy la corone dEngleterre q[ue] ad este si frank de tout temps qele nad hien null terrien soveraigne mes immediate subgit a Dieu en toutes choses touchantz la regalie de mesme la corone et a null autre serroit submys a Pape et les leys et estatutz du Roialme par luy defaitz enientez a sa volente en perpetuele destruction de la soverayrte nostre Seignur le Roy sa corone et sa regalie et tout son Roialme qe Dieu defende

No 12
16 Richard II
c. 5

"King that now is, as in the "Time of all his Progenitors "till this Day: But now of "late divers Processes be made "By the Bishop of *Rome*, and "Censures of Excommunica-"tion upon certain Bishops of "*England*, because they have made Execution of such Com-"mandments, to the open Dis-"herison of the said Crown, "and Destruction of the Re-"galty of our said Lord the "King, his Law, and all his "Realm, if Remedy be not "provided And also it is said, "and a common Clamour is "made, that the said Bishop "of *Rome* hath ordained and "purposed to translate some "Prelates of the same Realm, "some out of the Realm, and "some from one Bishoprick "into another within the same "Realm, without the King's "Assent and Knowledge, and "without the Assent of the Pre-"lates which so shall be trans-"lated, which Prelate be much "profitable and necessary to "our said Lord the King, and "to all his Realm, by which "Translations (if they should "be suffered) the Statutes of "the Realm should be defeated "and made void, and his "said Liege Sages of his Coun-"cil, without his Assent, and "against his Will, carried "away and gotten out of his "Realm, and the Substance "and Treasure of the Realm "shall be carried away, and "so the Realm destitute as "well of Council as of Sub-"stance, to the final Destruc-"tion of the same Realm, and "so the Crown of *England*, "which hath been so free at "all Times, that it hath been "in no earthly Subjection, but "immediately subject to God

The Pope awarded Processes and Sentences of Excommunication against certain Bishops for executing Judgments given in the King's Court

The Pope's Translation of Prelates out of the Realm, or from one spiritual Living to another.

The Freedom of the Crown of England, and that it is in Subjection to no Realm.

Ex Rot. in Turr. Lond

No. 12.
16 Richard II. c. 5.

"in all Things touching the "Regalty of the same Crown, "and to none other, should "be submitted to the Pope, "and the Laws and Sta-"tutes of the Realm by him "defeated and avoided at his "Will, in perpetual Destruc-"tion of the Sovereignty of "the King our Lord, his "Crown, his Regalty, and of "all his Realm, which God "defend.

The Promise of the Commons to assist the King in defence of the Liberties of the Crown.

"II. And moreover, the "Commons aforesaid say, "That the said Things so at-"tempted be clearly against "the King's Crown, and his "Regalty, used and approved "of the Time of all his Pro-"genitors, wherefore they "and all the Liege Commons "of the same Realm will stand "with our said Lord the King, "and his said Crown, and his "Regalty, in the Cases afore-"said, and in all other Cases "attempted against him, his "Crown, and his Regalty in "all Points, to live and to die. "And moreover they pray the "King, and him require by Way "of Justice, that he would ex-"amine all the Lords in the "Parliament, as well Spiritual "as Temporal severally, and "all the States of the Parlia-"ment, how they think of the "Cases aforesaid, which be "so openly against the King's "Crown, and in Derogation "of his Regalty, and how "they will stand in the same "Cases with our Lord the "King, in upholding the "Rights of the said Crown "and Regalty. Whereupon

The like Promise of the Lords Temporal.

"the Lords Temporal so de-"manded, have answered "every one by himself, that "the Cases aforesaid be clear-

Et disoient outre les communes avantdites qe les dites choses ensi attemptez sount overtement encountre la corone nostre Seignur le Roi et sa regalie use et approve du temps du toutz ses progenitours par quoy ils et touz les lieges communes du mesme le Roialme veullant estere ovec nostre dit Seignur le Roi et sa dite corone et sa regalie en les cases avauntdites et en touz autres cases attemptez encountre luy sa corone et sa regalie en toutz pointz a vivre et murer. Et prierent outre a nostre Seignur le Roi et luy requistrent par voy de Justice qil vorroit examiner toutz les Seignurs en parlement sibien spiritueles come temporeles severalment et toutz les estatz du parlement coment lour semble des cases avauntditz qe sount si overtement encountre la corone nostre Seignur le Roy et en derogation de sa regalie et coment ils voillent estere en mesmes les cases ovesqe nostre Seignur le Roy en sustenance des droitz de ses ditz corone et regalie. Sur quoy les Seignurs temporelx ensi demandez ount respondu checun par soy qe mesmes les cases avantdites sont overtement en derogation de la corone [illegible]re Seignur le Roy et de

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No 19
16 Richard II
c 5.

sa regalie come notoirement est et ad este de tout temps conuz et qe ils veullent estre ovec mesmes les corone et regalie en mesmes cestes cases en especial et en touz autres cases qe serront attemptez encountre mesmes les corone et regalie en toutz pointz ove tout lour poair Et outre ce demandez estoit des Seignurs espirituels illeqes esteantz et des procuratours des autres absentz de lour estre avys et volente en eeux cases queux Seignurs cestassavoir Ercevesques Evesques et autres Prelates esteantz en le dit parlement severalment examinez fesantz protestations qil nest pas lour entention de dire ne affermer qe nostre Seint Piere le Pape ne poet excomenger Evesques ne quil poet faire translations des Prelatz solonc la ley de Seinte esglise respoignent et dirount qe si aucunes executions des processes faitz en la Courte du Roi come devaunt soient faitz par aucuny et censures de escomengementz soient faitz encountre ascun Evesque dEngleterre ou ascun autre liege du Roi pur ce qils ount fait execution des tieux maundementz et qe si aucuns executions des tieux translations soient faitz dascuns Prelatz de mesme le Roialme queux Seignurs sount moult profitables et necessairs a nostre dit Seignur le Roi et a son roiaume suisdit ou qe les sages lieges de son counseil saunz son assent et encountre sa volunte soient sustretz et esloignez hors du Roialme siqe la savoir et tresor du Roialme purroit estre destruit qe ce est encountre le Roi et sa corone sicome est contenuz en la petition avant nome Ensembla-

"ly in Derogation of the King's "Crown, and of his Regalty, "as it is well known, and hath "been of a long Time known, "and that they will be with "the same Crown and Regalty in these Cases specially, and in all other Cases "which shall be attempted "against the same Crown and "Regalty in all Points, with "all their Power. And moreover it was demanded of the "Lords Spiritual there being, and the Procurators of others being absent, their Advice and Will in all these Cases; "which Lords, that is to say, "the Archbishops, Bishops, "and other Prelates, being in "the said Parliament severally "examined, making Protestations, that it is not their "Mind to say, nor affirm, that "the Bishop of *Rome* may not "excommunicate Bishops, nor "that he may make Translation of Prelates after the Law "of holy Church, answered "and said, That if any Executions of Processes made in "the King's Court as before "be made by any, and Censures of Excommunications "to be made against any Bishops of *England*, or any "other of the King's Liege "People, for that they have "made Execution of such Commandments; and that if any "Executions of such Translations be made of any Prelates of the same Realm, "which Prelates be very profitable and necessary to our "said Lord the King, and to "his said Realm, or that the "sage People of his Council, "without his Assent, and "against his Will, be removed and carried out of the

The Promise of the Lords Spiritual touching the Commons Petition

No. 12.
16 Richard II. c. 5.

" Realm, so that the Substance " and Treasure of the Realm " may be consumed, that the " same is against the King and " his Crown, as it is contain- " ed in the Petition before " named. And likewise the " same Procurators, every one ' by himself examined upon ' the said Matters, have an- ' swered and said in the ' Name, and for their Lords, ' as the said Bishops have said and answered, and that the said Lords Spiritual will and ' ought to be with the King in " these Cases in lawfully main- " taining of his Crown, and " in all other Cases touching " his Crown and his Regalty, " as they be bound by their " Ligeance;" ' whereupon our ' said Lord the King, by the ' Assent aforesaid, and at the ' Request of his said Commons, ' hath ordained and establish- ' ed, That if any purchase or pursue, or cause to be purchased or pursued in the Court of *Rome*, or elsewhere, ' by any such Translations, ' Processes, and Sentences of ' Excommunications, Bulls, In- ' struments, or any other ' Things whatsoever which ' touch the King, against him, ' his Crown, and his Regalty, ' or his Realm, as is aforesaid, ' and they which bring within ' the Realm, or them receive, ' or make thereof Notification, ' or any other Execution what- ' soever within the same Realm ' or without, that they, their ' Notaries, Procurators, Main- ' tainers, Abettors, Fautors, ' and Counsellors, shall be put ' out of the King's Protection, ' and their Lands and Tene- ' ments, Goods and Chattels,

The Promise of the Procurators of the Lords Spiritual being absent.

Præmunire for purchasing of Bulls or other Instruments from Rome, or elsewhere.

Ex Rot. in Turr. Lond.

blement les ditz procuratours chescun par soy examine sur le ditz matieres ount respondu et dit en noun et pur lour Seignurs come les ditz Evesques ount dit et responde et qe les ditz Seignurs espiritueles veullent et deivent estere ovesqe le Roi nostre Seignur en ceux cases loialment en sustenance de sa corone et en toutz autres cases tochantz sa corone et regalie come ils sount tenuz par lour ligeance Sur quoy nostre dit Seignur le Roi del assent avauntdit et a la priere de sa dit communalte ad ordeigne et establie qe si ascun purchace ou pursue ou face purchacer ou pursuer en la courte de Rome ou aillours ascuns tieux translations processes et sentences de escomengementz bulles instrumentz ou autre chose qeconqe qe touche le Roi nostre Seignur encountre luy sa corone et regalie ou son Roialme come devant est dit et ceux qe les porte deinz le Roialme ou les resceive ou face ent notification ou autre execution queconqe deinz mesme le Roialme ou dehors soient ils lour notairs procuratours meintenours abbettours fautours et conseillours mys hors de la protection nostre dit Seignur le Roy et lours terres et tenementz biens et chatieux forfaitz au Roy nostre Seignur et qils soient attachez par lour corps sils purront estre trovez et amesnez devaunt le Roy et son conseil pur y respondre es cases avaundits ou qe processe soit fait devers eux par premunire facias en manere come est ordeigne en autres estatutz des provisours et autres qui seuent en autry courte en de-

Ex Rot. in Turr. Lond.
rogation de la regalie nostre Seignur le Roi.

'forfeit to our Lord the King; 'and that they be attached by 'their Bodies, if they may be 'found, and brought before 'the King and his Council, 'there to answer to the Cases 'aforesaid, or that Process be 'made against them by *Præmunire facias*, in Manner as 'it is ordained in other Statutes of Provisors, and other 'which do sue in any other 'Court in Derogation of the 'Regalty of our Lord the 'King.'

No. 12. 16 Richard II. c. 5.

No. 13.

(A.) 2 Henry IV. c. 3.—If any do accept a Provision granted by the Pope to a Religious Person to be exempt from Obedience, he shall be within the Danger of the Statute of Provisors.

(B.) 2 Henry IV. c. 4.—The Penalties for purchasing of Bulls to be discharged of Tithes.

(C.) 4 Henry IV. c. 17.—Infants are not to be received into the Order of Friars without the Consent of their Parents, &c.

No. 14.

7 Henry IV. c. 6.—The Penalty of him which purchaseth a Bull to be discharged of Tithes.

No. 15.

7 Henry IV. c. 8.—No Provision, Licence, or Pardon shall be granted of a Benefice full of an Incumbent.

No. 16.

9 Henry IV. c. 9.—Elections to spiritual Promotions shall be free, and not interrupted by the Pope or the King.

2

No. 17.

9 Henry IV. c. 10. — A Pardon granted by the King to all that have purchased Provisions, or Translations to Archbishopricks, Bishopricks, &c.

No. 18.

2 Henry V. c. 7. — The Intent of the Hereticks called *Lollards*. Magistrates shall assist the Ordinaries in extirpating Heresies and punishing Heretics. Penalty on Hereticks convict.

No. 19.

3 Henry V. stat. 2. c. 4.—All Provisions, Licences, and Pardons of a Benefice full of an Incumbent shall be void.

No. 20.

21 Henry VIII. c. 13.—Spiritual Persons abridged from having Pluralities of Livings, and from taking of Ferms, &c.

[Inserted Pt. I. Cl. II. No. 1.]

No. 21.

23 Henry VIII. c. 9. — An Act that no Person shall be cited out of the Diocess where he or she dwelleth, except in certain Cases.

[Inserted Pt. IV. Cl. XXV. No. 13.]

No. 22.

23 Henry VIII. c. 20. — An Act concerning the Restraint of Payment of Annates to the See of Rome.*

* This Act, which is not printed in the Statutes at large, or referred to in the Table of Contents, but is contained in the Appendix of Runnington's Edition, may be considered as the first Step taken with the Intent of effecting an actual Separation from the See of Rome. Annates were certain Payments claimed on the Consecration of Archbishops and Bishops, which by the Act were limited to 5 per Cent. upon the annual Value of the See, upon Pain of Forfeiture of Goods, and the temporal Possession of the Bishoprick during Life.

No. 23.

24 Henry VIII. c. 12.—For the Restraint of Appeals.

[Inserted Pt IV Cl. XXIV No. 14]

No. 24.

25 Henry VIII. c. 14.—A Repeal of the Statute of 2 *H.* 4. c. 15, and a Confirmation of the Statutes of 5 *R.* 2. st. 2. c. 5. and 2 *H.* 5. st. 1. c. 7, touching the Punishment of Hereticks. Sheriffs in their Turns, and Stewards in their Leets, Rapes and Wapentakes, shall have Authority to inquire of Hereticks; and every such Presentment made in any Turn, Leet, &c. concerning Hereticks, shall be certified to the Ordinary. Every Person presented or indicted of any Heresy, or duly accused by two lawful Witnesses, may be cited, arrested, or taken by an Ordinary, or other of the King's Subjects, and committed to the Ordinary, to answer in open Court, and being convict, shall abjure his Heresies, and refusing so to do, or falling into Relapse, shall be burned in an open Place for Example of others.

No. 25.

25 Henry VIII. c. 19.—The Submission of the Clergy and Restraint of Appeals.

[Inserted Pt. IV. Cl. XXIV. No. 15.]

No. 26.

25 Henry VIII. c. 20.—An Act for the Non-payment of First-fruits to the Bishop of *Rome.*

No. 27.

25 Henry VIII. c. 21.—The Act concerning Peter-pence and Dispensations.

No. 28.

26 Henry VIII. c. 1.—The King's Grace to be authorized Supreme Head.

No. 29.

26 Henry VIII. c. 3.—The Bill for the First-fruits, with the yearly Pensions to the King.

No. 30.

27 Henry VIII. c. 28.—All Monasteries given to the King, which have not Lands above two hundred Pounds by the Year.

No. 31.

28 Henry VIII. c. 16.—A Provision for Dispensations and Licences heretofore obtained from the See of *Rome*.

No. 32.

31 Henry VIII. c. 13.—An Act for Dissolution of Monasteries and Abbies.

No. 33.

31 Henry VIII. c. 14.—An Act for abolishing Diversity of Opinions in certain Articles concerning Christian Religion.

No. 34.

35 Henry VIII. c. 1.—Recourse must be had to the Catholick and Apostolic Church for the Decision of Controversies; and therefore all Books of the Old and New Testament in *English*, being of *Tindal's* false Translation, or comprising any Matter of Christian Religion, Articles of the Faith, or holy Scripture, contrary to the Doctrine set forth sithence *Anno Dom.* 1540, or to be set forth by the King, shall be abolished. No Printer or Bookseller shall utter any of the aforesaid Books. No Person shall play in Enterlude, sing or rhime, contrary to the said Doctrine. No Person shall retain any *English* Books or Writings concerning Matter against the holy and blessed Sacrament of the Altar, or for the Mainten-

ance of Anabaptists, or other Books abolished by the King's Proclamation. There shall be no Annotations or Preambles in Bibles or New Testaments in *English*. The Bible shall not be read in *English* in any Church. No Woman or Artificers, Prentices, Journeymen, Servingmen of the Degree of Yeomen or under, Husbandmen, nor Labourers, shall read the New Testament in *English*. Nothing shall be taught or maintained contrary to the King's Instructions. And if any spiritual Person preach, teach, or maintain any Thing contrary to the King's Instructions or Determinations, made or to be made, and shall be thereof convict, he shall for his first Offence recant, for his second abjure and bear a Faggot, and for his third shall be adjudged an Heretick, and be burned and lose all his Goods and Chattels.

No. 35.

1 Edward VI. c. 1.—An Act against such as shall unreverently speak against the Sacrament of the Altar, and of the Receiving thereof under both Kinds.

[VI. The Defendant may try his Innocency by Witnesses.]

[VII The blessed Sacrament shall be delivered unto the People under both Kinds of Bread and Wine.—The Usage of other Churches not condemned]

No. 36.

2 and 3 Edward VI. c. 1.—An Act for Uniformity of Service and Administration of the Sacraments throughout the Realm.

No. 37.

3 and 4 Edward VI. c. 10.—An Act for the abolishing and putting away of divers Books and Images.

No. 38.

5 and 6 Edward VI. c. 1.—An Act for the Uniformity of Service and Administration of Sacraments throughout the Realm.

No. 39.

5 and 6 Edward VI. c. 3.—An Act for the keeping Holidays and Fasting Days.

No. 40.

1 Mary, sess. 2. c. 2.—A Repeal of the stat. of 1 *Ed.* 6. c. 1. made against such as shall speak unreverently of the Body and Blood of *Christ*, and of the stat. of 1 *Ed.* 6. c. 2. touching the Election of Bishops, and the stat. of 2 *Ed.* 6. c. 1., concerning the Uniformity of Service, and Administration of the Sacraments, and of the stat. of 2 and 3 *Ed.* 6. c. 21. made to take away all positive Laws ordained against the Marriage of Priests, and of the stat. of 3 and 4 *Ed.* 6. c. 10. made for the Abolishing of divers Books and Images, and the stat. of 3 and 4 *Ed.* 6. c. 12. made for the Ordering of Ecclesiastical Ministers, and of the stat. of 5 and 6 *Ed.* 1. c. 1. made for the Uniformity of Common Prayer and Administration of the Sacraments, and of the stat. of 5 and 6 *Ed.* 6. c. 3. made for the keeping of Holy-days and Fasting-days, and of the stat. of 5 and 6 *Ed.* 6. c. 12. touching the Marriage of Priests and Legitimation of their Children. All such Divine Service and Administration of Sacraments as were most commonly used in *England* in the last Year of *Hen.* 8. shall be used thorow the Realm, after the 20th. Day of *December*, *Anno Dom.* 1553, and no other Kind of Service nor Administration of Sacraments. 1 *El.* c. 2. Repealed by 1 *Ja.* 1. c. 25. § 48.

No. 41.

1 Elizabeth, c. 1.—An Act to restore to the Crown the ancient Jurisdiction over the Estate Ecclesiastical and Spiritual, and abolishing all foreign Powers repugnant to the same.

No. 42.

1 Elizabeth, c. 2.—An Act for the Uniformity of Common Prayer and Service in the Church, and Administration of the Sacraments.

No. 42. 1 Elizabeth, c. 2.

'WHERE at the Death of our late Sovereign Lord King 'Edward the Sixth there remained one uniform Order 'of common Service and Prayer, and of the Administration of

'Sacraments, Rites and Ceremonies of the Church of *England*, 'which was set forth in one Book, intituled, The Book of 'Common Prayer, and Administration of Sacraments, and 'other Rites and Ceremonies in the Church of *England*; 'authorized by Act of Parliament holden in the fifth and sixth 'Years of our said late Sovereign Lord King *Edward* the Sixth, 'intituled, "An Act for the Uniformity of Common Prayer, 'and Administration of the Sacraments;" the which was re-'pealed and taken away by Act of Parliament in the first Year 'of the Reign of our late Sovereign Lady Queen *Mary*, to the 'great Decay of the due Honour of God, and Discomfort to 'the Professors of the Truth of Christ's Religion:'

No. 42. 1 Elizabeth, c. 2.

Stat. 5 and 6 Ed. 6. c. 1.

A Repeal of the Statute of 1 M. sess 2 c. 2.

II. Be it therefore enacted by the Authority of this present Parliament, That the said Estatute of Repeal, and every Thing therein contained, only concerning the said Book, and the Service, Administration of the Sacraments, Rites and Ceremonies, contained or appointed in or by the said Book, shall be void and of none Effect, from and after the Feast of the Nativity of St. *John Baptist* next coming; And that the said Book, with the Order of Service, and of the Administration of Sacraments, Rites and Ceremonies, with the Alterations and Additions therein added and appointed by this Estatute, shall stand and be, from and after the said Feast of the Nativity of St. *John Baptist*, in full Force and Effect, according to the Tenor and Effect of this Estatute; any Thing in the aforesaid Estatute of Repeal to the contrary notwithstanding.

And the Book of Common Prayer shall be of Effect.

III. And further be it enacted by the Queen's Highness, with the Assent of the Lords and Commons in this present Parliament assembled, and by the Authority of the same, That all and singular Ministers in any Cathedral or Parish Church, or other Place within this Realm of *England*, *Wales*, and the Marches of the same, or other the Queen's Dominions, shall from and after the Feast of the Nativity of St. *John Baptist* next coming, be bounden to say and use the Mattens, Evensong, Celebration of the Lord's Supper and Administration of each of the Sacraments, and all the common and open Prayer, in such Order and Form as is mentioned in the said Book, so authorised by Parliament in the said fifth and sixth Years of the Reign of King *Edward* the Sixth, with one Alteration or Addition of certain Lessons to be used on every Sunday in the Year, and the Form of the Litany altered and corrected, and two Sentences only added in the Delivery of the Sacrament to the Communicants, and none other or otherwise.

The Book of Common Prayer shall be used.

The Alterations of the Book set forth.

IV. And that if any Manner of Parson, Vicar or other whatsoever Minister, that ought or should sing or say Common Prayer mentioned in the said Book, or minister the Sacraments, from and after the Feast of the Nativity of St. *John Baptist* next coming, refuse to use the said Common Prayers, or to minister the Sacraments in such Cathedral or Parish Church, or other Place as he should use to minister the same, in such Order and Form as they be mentioned and set forth in the said Book; or shall, wilfully or obstinately, standing in

The Forfeiture of those which use any other Service than the Book of Common Prayer.

No. 42. 1 Elizabeth, c. 2.

the same, use any other Rite, Ceremony, Order, Form or Manner of Celebrating of the Lord's Supper, openly or privily, or Mattens, Even-song, Administration of the Sacraments, or other open Prayers, than is mentioned and set forth in the said Book. (Open Prayer in and throughout this Act, is meant that Prayer which is for others to come unto, or hear, either in common Churches, or private Chapels or Oratories, commonly called, the Service of the Church,) or shall preach, declare or speak any Thing in the Derogation or Depraving of the said Book, or any Thing therein contained, or of any Part thereof, and shall be thereof lawfully convicted, according to the Laws of this Realm, by Verdict of twelve Men, or by his own Confession, or by the notorious Evidence of the Fact, shall lose and forfeit to the Queen's Highness, her Heirs and Successors, for his first Offence, the Profit of all his Spiritual Benefices or Promotions coming or arising in one whole Year next after his Conviction: And also that the Person so convicted shall for the same Offence suffer Imprisonment for the Space of six Months, without Bail or Mainprise.

The Penalty for depraving the Book of Common Prayer.

The Penalty for the second Offence.

V. And if any such Person once convict of any Offence concerning the Premises, shall after his first Conviction eftsoons offend, and be thereof in Form aforesaid lawfully convict, that then the same Person shall for his second Offence suffer Imprisonment by the Space of one whole Year, and also shall therefore be deprived, *ipso facto,* of all his Spiritual Promotions; and that it shall be lawful to all Patrons or Donors of all and singular the same Spiritual Promotions or any of them, to present or collate to the same, as though the Person or Persons so offending were dead.

The Penalty for the third Offence.

VI. And that if any such Person or Persons, after he shall be twice convicted in Form aforesaid, shall offend against any of the Premisses the third Time, and shall be thereof in Form aforesaid lawfully convicted, that then the Person so offending and convicted the third Time, shall be deprived, *ipso facto,* of all his Spiritual Promotions, and also shall suffer Imprisonment during his Life.

The Penalty of an Offender having no Spiritual Promotion.

VII. And if the Person that shall offend, and be convicted in Form aforesaid, concerning any of the Premisses, shall not be beneficed, nor have any Spiritual Promotion, that then the same Person so offending and convict, shall for the first Offence suffer Imprisonment during one whole Year next after his said Conviction, without Bail or Mainprise.

VIII. And if any such Person, not having any Spiritual Promotion, after his first Conviction shall eftsoons offend in any Thing concerning the Premisses, and shall in Form aforesaid be thereof lawfully convicted, that then the same Person shall for his second Offence suffer Imprisonment during his Life.

The Forfeiture of them which do any Thing, or speak in the Derogation of

IX. And it is ordained and enacted by the Authority aforesaid, That if any Person or Persons whatsoever, after the said Feast of the Nativity of *St. John Baptist* next coming, shall in any Interludes, Plays, Songs, Rhymes, or by other

open Words, declare or speak any Thing in the Derogation, Depraving or Despising of the same Book, or of any Thing therein contained, or any Part thereof: Or shall by open Fact, Deed or by open Threatenings, compel or cause, or otherwise procure or maintain, any Parson, Vicar or other Minister in any Cathedral or Parish Church, or in Chapel, or in any other Place, to sing or say any common or open Prayer, or to minister any Sacrament otherwise, or in any other Manner and Form than is mentioned in the said Book; or that by any of the said Means shall unlawfully interrupt or let any Parson, Vicar or other Minister in any Cathedral or Parish Church, Chapel, or any other Place, to sing or say common and open Prayer, or to minister the Sacraments or any of them, in such Manner and Form as is mentioned in the said Book; that then every such Person, being thereof lawfully convicted in Form aforesaid, shall forfeit to the Queen our Sovereign Lady, her Heirs and Successors, for the first Offence an hundred Marks.

No. 42. 1 Elizabeth, c. 2, the Book of Common Prayer.

Causing other Prayer to be said or sung.

The Forfeiture of an hundred Marks for the first Offence.

X. And if any Person or Persons being once convict of any such Offence, eftsoons offend against any of the last recited Offences, and shall in Form aforesaid be thereof lawfully convict; that then the same Person so offending and convict shall for the second Offence forfeit to the Queen our Sovereign Lady, her Heirs and Successors, four hundred Marks.

The Forfeiture of four hundred Marks for the second Offence.

XI. And if any Person, after he in Form aforesaid shall have been twice convict of any Offence concerning any of the last recited Offences, shall offend the third Time, and be thereof in Form abovesaid lawfully convict, That then every Person so offending and convict shall for his third Offence forfeit to our Sovereign Lady the Queen, all his Goods and Chattels, and shall suffer Imprisonment during his Life.

The Forfeiture for the third Offence.

XII. And if any Person or Persons, that for his first Offence concerning the Premisses shall be convict in Form aforesaid, do not pay the Sum to be paid by virtue of his Conviction, in such Manner and Form as the same ought to be paid, within six Weeks next after his Conviction; that then every Person so convict, and so not paying the same, shall for the same first Offence, instead of the said Sum, suffer Imprisonment by the space of six Months, without Bail or Mainprise.

The Penalty if the Party convicted do not pay his Forfeiture within the Time limited.

XIII. And if any Person or Persons, that for his second Offence concerning the Premises shall be convict in Form aforesaid, do not pay the said Sum to be paid by Virtue of his Conviction and this Estatute, in such Manner and Form as the same ought to be paid, within six Weeks next after his said second Conviction; that then every Person so convicted, and not so paying the same, shall for the same second Offence, in the stead of the said Sum, suffer Imprisonment during twelve Months, without Bail or Mainprise.

XIV. And that from and after the said Feast of the Nativity of St. *John Baptist* next coming, all and every Person and Persons inhabiting within this Realm, or any other the

Every Person shall resort to the Church upon the Holy Days.

No. 42.
1 Elizabeth, c. 2.

Queen's Majesty's Dominions, shall diligently and faithfully, having no lawful or reasonable Excuse to be absent, endeavour themselves to resort to their Parish Church or Chapel accustomed, or upon reasonable Let thereof, to some usual Place where Common Prayer and such Service of God shall be used in such Time of Let, upon every Sunday, and other Days ordained and used to be kept as Holy Days, and then and there to abide orderly and soberly during the Time of the Common Prayer, Preaching, or other Service of God there to be used and ministered; upon Pain of Punishment by the Censures of the Church, and also upon Pain that every Person so offending shall forfeit for every such Offence twelve Pence, to be levied by the Churchwardens of the Parish where such Offence shall be done, to the Use of the Poor of the same Parish, of the Goods, Lands, and Tenements of such Offender, by Way of Distress.

One Justice may convict the Offender, &c. by 3 Jac. 1. c. 4 § 27.

The Forfeiture for not coming to Church.

XV. And for due Execution hereof, the Queen's most excellent Majesty, the Lords Temporal, and all the Commons, in this present Parliament assembled, do in God's Name earnestly require and charge all the Archbishops, Bishops and other Ordinaries, that they shall endeavour themselves to the uttermost of their Knowledges, that the due and true Execution hereof may be had throughout their Diocese and Charges, as they will answer before God, for such Evils and Plagues wherewith Almighty God may justly punish his People for neglecting this good and wholesome Law.

The Ordinary may punish Offenders by the Censures of the Church.

XVI. And for their Authority in this Behalf, be it further enacted by the Authority aforesaid, That all and singular the said Archbishops, Bishops, and all other their Officers exercising Ecclesiastical Jurisdiction, as well in Place exempt as not exempt, within their Diocess, shall have full Power and Authority by this Act to reform, correct and punish by Censures of the Church, all and singular Persons which shall offend within any their Jurisdictions or Diocess, after the said Feast of the Nativity of St. *John Baptist* next coming, against this Act and Statute; any other Law, Statute, Privilege, Liberty or Provision heretofore made, had or suffered, to the contrary notwithstanding.

Which Justices may punish these Offences.

XVII. And it is ordained and enacted by the Authority aforesaid, That all and every Justices of *Oyer* and *Determiner*, or Justices of Assize, shall have full Power and Authority in every of their open and general Sessions, to enquire, hear and determine all and all manner of Offences that shall be committed or done contrary to any Article contained in this present Act, within the Limits of the Commission to them directed, and to make Process for the Execution of the same, as they may do against any Person being indicted before them of Trespass, or lawfully convicted thereof.

A Bishop may join with the Justices to enquire of Offenders.

XVIII. Provided always, and be it enacted by the Authority aforesaid, That all and every Archbishop and Bishop shall or may at all Time and Times, at his Liberty and Pleasure, join and associate himself, by virtue of this Act, to the said

Justices of *Oyer* and *Determiner*, or to the said Justices of Assize, at every of the said open and general Sessions to be holden in any Place within his Diocess, for and to the Enquiry, Hearing and Determining of the Offences aforesaid.

No 42. 1 Elizabeth, c. 2.

XIX. Provided also, and be it enacted by the Authority aforesaid, That the Books concerning the said Services shall at the Costs and Charges of the Parishioners of every Parish and Cathedral Church, be attained and gotten before the said Feast of the Nativity of St. *John Baptist* next following; and that all such Parishes and Cathedral Churches, or other Places, where the said Books shall be attained and gotten before the said Feast of the Nativity of St. *John Baptist*, shall within three Weeks next after the said Books so attained and gotten use the said Service, and put the same in Ure according to this Act.

At whose Charges the Book of Common Prayer shall be gotten.

XX. And be it further enacted by the Authority aforesaid, That no Person or Persons shall be at any Time hereafter impeached or otherwise molested of or for any of the Offences above-mentioned, hereafter to be committed or done contrary to this Act, unless he or they so offending be thereof indicted at the next General Sessions to be holden before any such Justices of *Oyer* and *Determiner* or Justices of Assise, next after an Offence committed or done contrary to the Tenor of this Act.

Within what Time Offenders shall be impeached.

XXI. Provided always, and be it ordained and enacted by the Authority aforesaid, That all and singular Lords of the Parliament, for the third Offence above-mentioned, shall be tried by their Peers.

Trial of Peers.

XXII. Provided also, and be it ordained and enacted by the Authority aforesaid, That the Mayor of *London*, and all other Mayors, Bailiffs, and other Head Officers of all and singular Cities, Boroughs and Towns Corporate within this Realm, *Wales*, and the Marches of the same, to the which Justices of Assize do not commonly repair, shall have full Power and Authority by Virtue of this Act to enquire, hear and determine the Offences abovesaid, and every of them, yearly within fifteen Days after the Feast of *Easter*, and St. *Michael* the Archangel, in like Manner and Form as Justices of Assize and *Oyer* and *Determiner* may do.

Chief Officers of Cities and Boroughs shall enquire of Offenders.

XXIII. Provided always, and be it ordained and enacted by the Authority aforesaid, That all and singular Archbishops and Bishops, and every of their Chancellors, Commissaries, Archdeacons, and other Ordinaries, having any peculiar Ecclesiastical Jurisdiction, shall have full Power and Authority by Virtue of this Act, as well to inquire in their Visitation, Synods, and elsewhere within their Jurisdiction at any other Time and Place, to take Accusations and Informations of all and every the Things above-mentioned, done, committed or perpetrated within the Limits of their Jurisdictions and Authority, and to punish the same by Admonition, Excommunication, Sequestration or Deprivation, and other Censures and Process, in like Form as heretofore hath been used in like Cases by the Queen's Ecclesiastical Laws.

The Ordinary's Jurisdiction in these Cases.

No. 42. 1 Elizabeth, c. 2

None shall be punished above once for one Offence.

XXIV. Provided always, and be it enacted, That whatsoever Persons offending in the Premises shall for their Offences first receive Punishment of the Ordinary, having a Testimonial thereof under the said Ordinary's Seal, shall not for the same Offence eftsoons be convicted before the Justices: And likewise receiving for the said Offence Punishment first by the Justices, shall not for the same Offence eftsoons receive Punishment of the Ordinary; any Thing contained in this Act to the contrary notwithstanding.

Ornaments of the Church and Ministers.

XXV. Provided always, and be it enacted, That such Ornaments of the Church and of the Ministers thereof, shall be retained and be in Use, as was in this Church of *England* by Authority of Parliament, in the second Year of the Reign of King *Edward* the Sixth, until other Order shall be therein taken by the Authority of the Queen's Majesty, with the Advice of her Commissioners appointed and authorised under the Great Seal of *England* for Causes Ecclesiastical, or of the Metropolitan of this Realm.

XXVI. And also, That if there shall happen any Contempt or Irreverence to be used in the Ceremonies or Rites of the Church, by the mis-using of the Orders appointed in this Book, the Queen's Majesty may, by the like Advice of the said Commissioners or Metropolitan, ordain and publish such further Ceremonies or Rites, as may be most for the Advancement of God's Glory, the Edifying of his Church, and the due Reverence of Christ's Holy Mysteries and Sacraments.

All Laws and Ordinances made for other Service shall be void.

XXVII. And be it further enacted by the Authority aforesaid, That all Laws, Statutes and Ordinances, wherein or whereby any other Service, Administration of Sacraments or Common Prayer, is limited, established or set forth to be used within this Realm, or any other the Queen's Dominions or Countries, shall from henceforth be utterly void and of none Effect. Made perpetual by 5 Annæ, c. 5. as to the Establishment of the Church. *Farther Provisions relating hereto see* 13 *El. c.* 12. 23 *El. c.* 1. 15 *Car.* 2. *c.* 6. 1 *W. & M. stat.* 1. 18. *and* 23 *Geo.* 2. *c.* 28.

No. 43.

Elizabeth, c. 1. — An Act for the Assurance of the Queen's Royal Power over all Estates and Subjects within her Dominions.

No. 44.

Elizabeth, c. 1. — It shall be High Treason to intend Destruction or bodily Harm to the Queen, or to levy War, or to move others to War against her, or to affirm, That the Queen ought not to enjoy the Crown, but some other Person; or to publish, That

the Queen is an Heretick, Schismatick, Tyrant, Infidel, or Usurper of the Crown; or to claim Right to the Crown, or to usurp the same during the Queen's Life; or to affirm the Right in Successsion of the Crown in some other than the Queen; or to affirm, That the Laws and Statutes do not bind the Right of the Crown, and the Descent, Limitation, Inheritance, or Governance thereof.

No. 45.

13 Elizabeth, c. 2.—An Act against the bringing in, and putting in Execution of Bulls, Writings or Instruments and other Superstitious Things from the See of *Rome*.

No. 46.

13 Elizabeth, c. 12.—An Act for the Ministers of the Church to be of sound Religion.

[Inserted Pt. I. Cl. II, No. 6.]

No. 47.

23 Elizabeth, c. 1.—An Act to retain the Queen's Majesty's Subjects in their due Obedience. P.

No. 47. 23 Elizabeth, c. 1.

'WHERE sithence the Statute made in the thirteenth 'Year of the Reign of the Queen our Sovereign Lady, 'intituled, "An Act against the bringing in, and putting in 'Execution of Bulls, Writings and Instruments, and other 'Superstitious Things from the See of *Rome*," divers evil affec'ted Persons have practised, contrary to the Meaning of the 'said Statute, by other Means than by Bulls or Instruments 'written or printed, to withdraw divers the Queen's Majes'ty's Subjects from their natural Obedience to her Majesty, to 'obey the said usurped Authority of *Rome*, and in respect of 'the same to perswade great Numbers to withdraw their due 'Obedience from her Majesty's Laws, established for the due 'Service of Almighty God.'

[II. Treason to withdraw any from the Religion established to the Romish Religion.—It shall be Treason to be reconciled or withdrawn to the Romish Religion.]

[III. The Penalty of Aiders, Maintainers, and Concealers.]

[IV. The Forfeiture for saying or hearing of Mass.]

V. Be it also further enacted by the Authority aforesaid, That every Person above the Age of sixteen Years, which shall not repair to some Church, Chapel or usual Place of Common Prayer, but forbear the same, contrary to the Tenor of a

The Penalty for not coming to the Church by the Space of a Month accord-

No. 47.
23 Elizabeth, c. 1.

ing to the stat. 1 El. c. 2.

The King may seize two Parts of the Offenders' Lands, &c. in Lieu of the twenty Pounds.

Statute made in the first Year of her Majesty's Reign, for Uniformity of Common Prayer, and being thereof lawfully convicted, shall forfeit to the Queen's Majesty for every Month, after the End of this Session of Parliament which he or she shall so forbear, twenty Pounds of lawful *English* Money; and that over and besides the said Forfeitures, every Person so forbearing by the Space of twelve Months as aforesaid, shall for his or her Obstinacy, after Certificate thereof in Writing made into the Court commonly called the King's Bench, by the Ordinary of the Diocese, a Justice of Assize and Gaol-delivery, or a Justice of Peace of the County where such Offender shall dwell or be, be bound with two sufficient Sureties in the Sum of two hundred Pounds at least, to the good Behaviour, and so to continue bound, until such Time as the Persons so bound do conform themselves and come to the Church, according to the true Meaning of the said Statute made in the said first Year of the Queen's Majesty's Reign.(1.)

[VI. VII. The Forfeiture for keeping of a School-master not repairing to the Church, — or not allowed by the Ordinary.]

[VIII. What Justices may enquire of Offences done against the Statute of 1 Eliz. c. 1. 5 Eliz. c. 1. 13 Eliz. c. 2.]

A Remedy for a guilty Person conforming himself.

X. Provided always, That every Person guilty of any Offence against this Statute, other than Treason and Misprision of Treason, which shall before he be thereof indicted, or at his Arraignment or Trial before Judgment, submit and conform himself before the Bishop of the Diocese where he shall be resident, or before the Justices where he shall be indicted, arraigned or tried, (having not before made like Submission at any his Trial, being indicted for his first like Offence) shall upon his Recognition of such Submission in open Assises or Sessions of the County where such Person shall be resident, be discharged of all and every the said Offences against this Act, (except Treason and Misprision of Treason) and of all Pains and Forfeitures for the same.

Who shall h--- the Money ---feited by thi[s] Statute.

XI. And be it likewise enacted, That all Forfeitures of [an]y Sums of Money limited by this Act, shall be divided in [thr]ee equal Parts, whereof one third Part shall be to the Queen's [Ma]jesty to her own Use, one other third Part to the Queen's [Ma]jesty for Relief of the Poor in the Parish where the Offence [sha]ll be committed, to be delivered by Warrant of the princi[pa]l Officers in the Receipt of the Exchequer without further [W]arrant from her Majesty; and the other third Part to such [Pe]rson as will sue for the same in any Court of Record, by [Ac]tion of Debt, Bill, Plaint or Information; in which Suit no [Ess]oin, Protection or Wager of Law shall be allowed: And [tha]t every Person which shall forfeit any Sums of Money by

(1.) Considering the Provisions of this Act as having fallen into Disuse, [it was] directed that the Title only should be inserted; but while the Class is [goi]ng through the Press, an Action has been tried at Bedford Assizes (Free [v. Bu]rgoyne) to recover the Penalty of £20 a month for Non-attendance at Church. The Verdict was in favour of the Defendant, on the Ground of his having a reasonable Excuse.

Virtue of this Act, and shall not be able, or shall fail, to pay the same within three Months after Judgment thereof given, shall be committed to Prison, there to remain until he have paid the said Sums, or conform himself, or go to Church, and there do as is aforesaid.

No. 47. 23 Elizabeth, c. 1

He shall be imprisoned that is not able or doth not pay the Forfeiture.

XII. Provided also, That every Person which usually on the *Sunday* shall have in his or her House the Divine Service which is established by the Law of this Realm, and be thereat himself or herself usually or most commonly present, and shall not obstinately refuse to come to Church, and there to do as is aforesaid, and shall also four Times in the Year at the least be present at the Divine Service in the Church of the Parish where he or she shall be resident, or in some other open common Church or such Chapel of Ease, shall not incur any Pain or Penalty limited by this Act for not repairing to Church.

Service in a Man's private House.

[XIII. Fraudulent Assurances to defeat Forfeitures.]

[XIV. Trial of a Peer by his Peers.]

[XV. Ecclesiastical Censures.]

No. 48.

27 Elizabeth, c. 2.—An Act against Jesuits, Seminary Priests, and other such like disobedient Persons.

No. 49.

29 Elizabeth, c. 6.—An Act for the more speedy and due Execution of certain Branches of the Statute made in the twenty-third Year of the Queen's Majesty's Reign, intituled, "An Act to retain the Queen's Majesty's Subjects in their due Obedience."

No. 50.

31 Elizabeth, c. 6.—An Act against Abuses in Election of Scholars, and Presentation to Benefices.

[Inserted Pt. I. Cl. II.]

No. 51.

35 Elizabeth, c. 1.—An Act to retain the Queen's Majesty's Subjects in their due Obedience.

No. 52.

35 Elizabeth, c. 2.—An Act for restraining Popish Recusants to some certain Places of Abode.

No. 53.

1 James I, c. 4. — An Act for the due Execution of the Statutes against Jesuits, Seminary Priests, Recusants, &c.

No. 54.

P. 3 James I. c. 4—An Act for the better discovering and repressing of Popish Recusants.

No. 54. 3 James I, c. 4. "FORASMUCH as it is found by daily Experience, that 'many his Majesty's Subjects that adhere in their Hearts 'to the Popish Religion, by the Infection drawn from thence, 'and by the wicked and devilish Counsel of Jesuits, Seminaries, and other like Persons dangerous to the Church and 'State, are so far perverted in the Point of their Loyalties and 'due Allegiance unto the King's Majesty, and the Crown of '*England*, as they are ready to entertain and execute any 'treasonable Conspiracies and Practices, as evidently appears 'by that more than barbarous and horrible Attempt to have 'blown up with Gun-Powder the King, Queen, Prince, 'Lords and Commons in the House of Parliament assembled, 'tending to the utter Subversion of the whole State, lately undertaken by the Instigation of Jesuits and Seminaries, and 'in Advancement of their Religion, by their Scholars taught 'and instructed by them to that Purpose, which Attempt by 'the only Goodness of Almighty God was discovered and defeated: And where divers Persons popishly affected, do 'nevertheless, the better to cover and hide their false Hearts, 'and with the more Safety to attend the Opportunity to execute their mischievous Designs, repair sometimes to Church, 'to escape the Penalty of the Laws in that Behalf provided."

The Statute of 23 Eliz. c. 1. touching a Recusant's monthly Forfeiture.

'X. And whereas by an Act made in the Session of Parliament holden by Prorogation at *Westminster* in the three and 'twentieth Year of the Reign of the late Queen *Elizabeth*, intituled, " An Act to retain the Subjects of the said late Queen 'in their due Obedience," It was amongst other Things enacted by Authority of the said Parliament, That every Person 'above the Age of sixteen Years, which should not repair to 'some Church, Chapel, or usual Place of Common Prayer, 'but forbear the same contrary to the Tenor of a Statute made 'in the first Year of the Reign of the said late Queen, for Uniformity of Common-Prayer, and being thereof lawfully convicted, should forfeit to the said Queen, for every Month 'after the End of the Session of Parliament which he or she 'should so forbear, twenty Pounds of lawful *English* Money, 'as in and by the said Act of Parliament more at large appeareth*:'

1 Eliz. c. 2.

How by the statute of 29 Eliz. c. 6. the Queen

'XI. And whereas afterward by another Act of Parliament of the said Queen, it was further enacted by the Authority of the said Parliament (amongst other Things) how

* See Notes to stat. 29 Eliz. c. 1. supra.

No. 54. 3 James I. c. 4.

should recover Forfeitures due to her by Recusants.

'and when the said Payments of the said twenty Pounds 'should be made, and that if Default should be made in any 'Part of any Payment of the said twenty Pounds, contrary 'to the Form in the said last specified Statute limited,' that 'then and so often the said Queen should and might by Pro-'cess out of her Highness' Exchequer take, seize and enjoy 'all the Goods, and two Parts as well of all the Lands, Tene-'ments and Hereditaments, Leases and Farms of such Of-'fenders, as of all other the Lands, Tenements and Heredita-'ments liable to such Seizure or to the Penalties aforesaid by 'the true Meaning of the said Act of Parliament, leaving the 'third Part only of the same Lands, Tenements and Heredita-'ments, Leases and Farms, to and for the Maintenance and 'Relief of the same Offender, his Wife, Children and Family, 'as in and by the last specified Statute more at large also may 'appear: Now forasmuch as the said Penalty of twenty Pounds 'monthly is a greater Burden unto Men of small Living, than 'unto such as are of better Ability, and do refuse to come unto 'Divine Service, as aforesaid, who rather than they will have 'two Parts of their Lands to be seized, will be ready always 'to pay the said twenty Pounds according to the Limitation of 'the said Statutes, and yet retain the Residue of their Livings 'and Inheritance in their own Hands, being of great yearly 'Value, which they do for the most part employ (as Experi-'ence hath taught) to the Maintenance of Superstition and 'Popish Religion, and to the Relief of Jesuits, Seminaries, 'Popish Priests, and other dangerous Persons to the State; 'Therefore to the Intent that hereafter the Penalty for not re-'pairing to Divine Service might be inflicted in better Propor-'tion upon Men of great Ability;' Be it enacted by the Authority of this present Parliament, That the King's Majesty, his Heirs and Successors, shall from and after the Feast of Saint *Michael* the Archangel next coming after the End of this Session of Parliament, have full Power and Liberty to refuse the Penalty of twenty Pounds a Month, though it be tendred ready to be paid according to the Law, and thereupon to seize and take to his own Use, and the Uses, Intents and Purposes hereafter limited, two Parts in three Parts to be divided, as well of all the Lands, Tenements and Hereditaments, Leases and Farms that at the Time of such Seizure shall be, or afterward shall come to any of the said Offenders in not coming to Church, or any other to his or her Use, or in Trust for him or her, or at his or her Disposition, or whereby or wherewith, or in Consideration whereof, such Offender or his Family, or any of them, shall be relieved, maintained or kept, as of all other Lands, Tenements and Hereditaments in any wise or at any Time liable to such Seizure, or to the Penalties aforesaid, and the same to retain to his own and other Uses, Intents and Purposes hereafter in this Act appointed, till every such Offender shall conform him or herself respectively, as aforesaid, in Lieu and full Recompence of the twenty Pounds monthly, that, during his such Seizure and

The King may refuse 20l. a Month, and take two Parts of a Recusant's Lands.

No. 54. 3 James I. c. 4.

Retainer, shall incur; any Thing in the said Statutes, or any of them, or any other Statute, to the contrary in any wise notwithstanding: Saving to our Sovereign Lord the King's Majesty, his Heirs and Successors, and all and every Person and Persons, Bodies Politick and Corporate, their Heirs and Successors, (other than the said Offender, his or her Heirs, and all claiming to hi or their Use, or in Trust for him or them, or at hi or their Will or Disposition) all and all manner of Leases, Rents, Conditions, and other Rights and Titles whatsoever had. made and done, *bona fide*, and without Fraud and Covin, before such Seizure.

Saving the Right of others.

A Recusant's Mansion-house shall be reserved to him. The King's two Parts shall not be demised to a Recusant.

XII. Provided always, and be it enacted by the Authority aforesaid, That the King's Majesty, his Heirs and Successors, shall not take into his two Parts, but leave to such Offender his chief Mansion-House, as Part of his third Part, and shall not demise, lease nor put over the said two Parts, nor any Part thereof, to any Recusant, nor to or for the Use of any Recusant: And that whosoever shall take the same in Lease, or otherwise, of his Majesty, his Heirs and Successors, shall give such Security not to commit, nor suffer Waste to be committed, in or upon any the said Premises, as by the Court of Exchequer shall be allowed sufficient.

XXVII. And be it further enacted, That if any Subject of this Realm at any Time after one Month next after the End of this present Session of Parliament, shall not resort or repair every *Sunday* to some Church Chapel or some other usual Place appointed for Common Prayer, and there hear Divine Service according to the Statute made in that Behalf, in the first Year of the Reign of the late Queen *Elizabeth*, That then it shall and may be lawful to and for any one Justice of Peace of that Limit, Division or Liberty, wherein the said Party shall dwell, upon Proof unto him made of such Default by Confession of the Party or Oath of Witness, to call the said Party before him; and if he or she shall not make a sufficient Excuse and due Proof thereof, to the Satisfaction of the said Justice of Peace, that it shall be lawful for the said Justice of Peace to give Warrant to the Churchwarden of the said Parish wherein the said Party shall dwell, under his Hand and Seal, to levy Twelve-pence for every such Default, by Distress and Sale of the Goods of every such Offender, rendering to the said Offender the Overplus of the Money raised of the said Goods so to be sold: And that in Default of such Distress, it shall and may be lawful for the said Justice of Peace to commit every such Offender to some Prison within the said Shire, Division, Limit or Liberty, wherein such Offender shall be inhabiting, until Payment be made of the said Sum or Sums so to be forfeited: which Forfeiture shall be imployed to and for the Use of the Poor of that Parish wherein the Offender shall be resident or abiding at the Time of such Offence committed.

1 Eliz. c. 2.

Forfeiture for not repairing to Church weekly.

XXVIII. Provided, That no Man be impeached upon this Clause, except he be called in question for his said Default within one Month next after the said Default made.

No. 55.

3 James I. c. 5.—An Act to prevent and avoid Dangers which grow by Popish Recusants.

No. 56.

7 James I. c. 6.—An Act for administering the Oath of Allegiance, and Reformation of married Women Recusants.

No. 57.

3 Charles I. c. 2.—An Act for the further Reformation of sundry Abuses committed on the Lord's Day, commonly called *Sunday.*

[Inserted Pt. VI. Cl. XXIV.]

No. 58.

16 Charles I. c. 11.—A Repeal of the Branch of a Statute *Primo Elizabethæ,* concerning Commissioners for Causes Ecclesiastical.

No. 59.

13 Charles II. stat. 2. c. 1.—An Act for the well governing and regulating of Corporations.

[Inserted ante Pt. I. Cl. IV. No. 4.]

No. 60.

13 and 14 Charles II. c. 1.—An Act for preventing the Mischiefs and Dangers that may arise by certain Persons called *Quakers,* and others, refusing to take lawful Oaths.

[Repealed 52 Geo. III. c. 155.]

No. 61.

13 and 14 Charles II. c. 4.—An Act for the Uniformity of Public Prayers, and Administration of Sacraments, and other Rites and Ceremonies: And for establishing the Form of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, in the Church of *England.*

[Inserted Pt. I. Cl. II. No. 9.

No. 62.

16 Charles II. c. 4.—An Act to prevent and suppress seditious Conventicles.

[Passed for three Years.]

No. 63.

17 Charles II. c. 2.—An Act for restraining Non-conformists from inhabiting in Corporations.

[Repealed 52 Geo. III. c 155.]

No. 64.

22 Charles II. c. 1.—An Act to prevent and suppress seditious Conventicles.

[Repealed 52 Geo. III. 155.]

No. 65.

25 Charles II. c. 2.—An Act for preventing Dangers which may happen from Popish Recusants.*

No. 65. 25 Charles II. c. 2.

FOR preventing Dangers which may happen from Popish Recusants and quieting the Minds of his Majesty's good Subjects; Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, That all and every Person or Persons, as well Peers as Commoners, that shall bear any Office or Offices Civil or Military, or shall receive any Pay, Salary, Fee or Wages by reason of any Patent or Grant from his Majesty, or shall have Command or Place of Trust from or under his Majesty, or from any of his Majesty's Predecessors, or by his or their Authority, or by Authority derived from him or them, within the Realm of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, or in his Majesty's Navy, or in the several Islands *Jersey* and *Guernsey*, or shall be of the Houshold, or in the Service or Imployment of his Majesty, or of his Royal Highness the Duke of *York* who shall inhabit, reside or be within the City of *London* or *Westminster*, or within thirty Miles distant from the same, on the first Day of *Easter* Term that shall be in the Year of our Lord one thousand six hundred seventy-three; or at any Time during the said Term, all and every the said Person and Persons shall

All Persons that bear any Offices or Places, &c. must take the Oaths of Allegiance and Supremacy, and the following Oaths, &c.

When and where to appear and make Oath.

* Usually called the Test Act.

No. 63. 25 Charles II. c. 2.

personally appear before the End of the said Term, or of *Trinity* Term next following, in his Majesty's High Court of Chancery, or in his Majesty's Court of King's Bench, and there in publick and open Court, between the Hours of Nine of the Clock and Twelve in the Forenoon, take the several Oaths of Supremacy and Allegiance (which Oath of Allegiance is contained in the Statute made in the third Year of King *James*) by Law established; and during the Time of the taking thereof by the said Person and Persons, all Pleas and Proceedings in the said respective Courts shall cease; and that all and every of the said respective Persons and Officers, not having taken the said Oaths in the said respective Courts aforesaid, shall on or before the first Day of *August* one thousand six hundred seventy-three, at the Quarter-Sessions for that County or Place where he or they shall be, inhabit or reside on the twentieth Day of *May*, take the said Oaths in open Court between the said Hours of Nine and Twelve of the Clock in the Forenoon; and the said respective Officers aforesaid shall also receive the Sacrament of the Lord's Supper, according to the Usage of the Church of *England*, at or before the first Day of *August* in the Year of our Lord one thousand six hundred and seventy-three, in some Parish Church, upon some Lord's Day, commonly called *Sunday*, immediately after Divine Service and Sermon.

This Act extended to Deputies by 1 Geo. 1 st. 2. c. 13. § 18.

To receive the Sacrament according to the Usage of the Church of England.

II. And be it further enacted by the Authority aforesaid, That all and every Person or Persons that shall be admitted, entred, placed or taken into any Office or Offices Civil or Military, or shall receive any Pay, Salary, Fee or Wages, by reason of any Patent or Grant of his Majesty, or shall have Command or Place of Trust from or under his Majesty, his Heirs or Successors, or by his or their Authority, or by Authority derived from him or them, within this Realm of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, or in his Majesty's Navy, or in the several Islands of *Jersey* and *Guernsey*, or that shall be admitted into any Service or Imployment in his Majesty's or Royal Highness's Houshold or Family, after the first Day of *Easter* Term aforesaid, and shall inhabit, be or reside, when he or they is or are so admitted or placed, within the Cities of *London* or *Westminster*, or within thirty Miles of the same, shall take the said Oaths aforesaid in the said respective Court or Courts aforesaid, in the next Term after such his or their Admittance or Admittances into the Office or Offices, Imployment or Imployments aforesaid, between the Hours aforesaid, and no other, and the Proceedings to cease as aforesaid; and that all and every such Person or Persons to be admitted after the said first Day of *Easter* Term as aforesaid, not having taken the said Oaths in the said Courts aforesaid, shall at the Quarter-Sessions for that County or Place where he or they shall reside, next after such his Admittance or Admittances into any of the said respective Offices or Imployments aforesaid, take the said several and respective Oaths as aforesaid: And all and every such Person and Persons so to be admitted as aforesaid, shall also receive the Sacrament of the Lord's Supper, accord-

All Persons to be admitted into any Office, &c. after the First Day of Easter Term, to take the said Oaths, &c.

The Time enlarged to six Months, 9 Geo. 2. c. 26.

Persons beyond Sea helped by 13 G. 1. c. 29 § 1.

No. 65. 25 Charles II. c. 2.

When and where to be taken.

ing to the Usage of the Church of *England*, within three Months after his or their Admittance in or receiving their said Authority and Imployment, in some publick Church, upon some Lord's Day, commonly called *Sunday*, immediately after Divine Service and Sermon.

Certificate.

III. And every of the said Persons in the respective Court where he takes the said Oaths shall first deliver a Certificate of such his receiving the said Sacrament as aforesaid, under the Hands of the respective Minister and Churchwarden, and shall then make Proof of the Truth thereof by two credible Witnesses at the least, upon Oath; all which shall be enquired of, and put upon Record in the respective Courts.

Whosoever shall refuse to take the Oaths shall be adjudged uncapable of any other Office.

IV. And be it further enacted by the Authority aforesaid, That all and every the Person or Persons aforesaid, that do or shall neglect or refuse to take the said Oaths and Sacrament in the said Courts and Places, and at the respective Times aforesaid, shall be *ipso facto* adjudged uncapable and disabled in Law, to all Intents and Purposes whatsoever, to have, occupy, or enjoy the said Office or Offices, Employment or Employments, or any Part of them, or any Matter or Thing aforesaid, or any Profit or Advantage appertaining to them, or any of them; and every such Office and Place, Employment and Employments, shall be void, and is hereby adjudged void.

No Person shall execute any Office, after Refusal, &c.

V. And be it further enacted, That all and every such Person or Persons that shall neglect or refuse to take the said Oaths or the Sacrament as aforesaid, within the Times, and in the Places aforesaid, and in the Manner aforesaid, and yet after such Neglect or Refusal shall execute any of the said Offices or Employments after the said Times expired, wherein he or they ought to have taken the same, and being thereupon lawfully convicted, in or upon any Information, Presentment or Indictment, in any of the King's Courts at *Westminster*, or at the Assizes, every such Person and Persons shall be disabled from thenceforth to sue or use any Action, Bill, Plaint or Information in Course of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child, or Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, or to bear any Office within this Realm of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*; and shall forfeit the Sum of five hundred Pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by any Action of Debt, Suit, Bill, Plaint or Information in any of his Majesty's Courts at *Westminster*, wherein no Essoin, Protection or Wager of Law shall lie.

The Names of Persons taking the Oaths, where to be registred.

VI. And be it further enacted by the Authority aforesaid, That the Names of all and singular such Persons and Officers aforesaid, That do or shall take the Oaths aforesaid, shall be in the respective Courts of Chancery and King's Bench and the Quarter-Sessions inrolled, with the Day and Time of their taking the same, in Rolls made and kept only for that Intent and Purpose, and for no other; the which Rolls, as for the

Court of Chancery, shall be publicly hung up in the Office of the Petty-bag, and the Roll for the King's Bench in the Crown-Office of the said Court, and in some publick Place in every Quarter-Sessions, and there remain during the whole Term, every Term, and during the whole Time of the said Sessions, in every Quarter-Sessions, for every one to resort to and look upon without Fee or Reward; and likewise none of the Person or Persons aforesaid shall give or pay as any Fee or Reward to any Officer or Officers, belonging to any of the Courts as aforesaid, above the Sum of Twelve-pence for his or their Entry of his or their taking of the said Oaths aforesaid.

No. 65. 25 Charles II. c. 2.

The Fees allowed.

VII. And further, That it shall and may be lawful to and for the respective Courts aforesaid, to give and administer the said Oaths aforesaid to the Person or Persons aforesaid, in Manner as aforesaid, and upon the due Tender of any such Person or Persons to take the said Oaths, the said Courts are hereby required and enjoined to administer the same.

Upon due Tender made to the Courts, they are to administer the Oaths.

VIII. And be it further enacted, That if any Person or Persons, not bred up by his or their Parent or Parents from their Infancy in the Popish Religion, and professing themselves to be Popish Recusants, shall breed up, instruct or educate his or their Child or Children, or suffer them to be instructed or educated in the Popish Religion, every such Person being thereof convicted, shall be from thenceforth disabled of bearing any Office or Place of Trust or Profit, in Church or State, and all such Children as shall be so brought up, instructed or educated, are and shall be hereby disabled of bearing any such Office or Place of Trust or Profit, until he and they shall be perfectly reconciled and converted to the Church of *England*, and shall take the Oaths of Supremacy and Allegiance aforesaid before the Justices of the Peace in the open Quarter-Sessions of the County or Place where they shall inhabit, and thereupon receive the Sacrament of the Lord's Supper after the Usage of the Church of *England*, and obtain a Certificate thereof under the Hands of two or more of the said Justices of the Peace.

No Person shal breed up his Children in the Popish Religion, &c.

IX. And be it further enacted by the Authority aforesaid, That at the same Time when the Persons concerned in this Act shall take the aforesaid Oaths of Supremacy and Allegiance, they shall likewise make and subscribe this Declaration following, under the same Penalties and Forfeitures as by this Act is appointed;

At the taking of the Oaths to subscribe the Declaration following.

'I *A. B.* do declare, That I do believe that there is not any 'Transubstantiation in the Sacrament of the Lord's Supper, 'or in the Elements of Bread and Wine, at or after the Consecration thereof by any Person whatsoever.'

X. Of which Subscription there shall be the like Register kept, as of the taking the Oaths aforesaid.

XI. Provided always, That neither this Act, nor any Thing therein contained, shall extend, be judged or inter-

This Act not to extend to Peerage, &c.

No. 6? 25 Charles II.

pected any ways to hurt or prejudice the Peerage of any Peer of this Realm, or to take away any Right, Power, Privilege or Profit, which any Person (being a Peer of this Realm) hath or ought to enjoy by reason of his Peerage, either in Time of Parliament or otherwise, or to take away Creation-money or Bills of Impost, nor to take away or make void any Pension or Salary granted by his Majesty to any Person for valuable and sufficient Consideration for Life, Lives or Years, other than such as relate to any Office, or to any Place of Trust under his Majesty, and other than Pensions of Bounty or voluntary Pensions, nor to take away or make void any Estate of Inheritance granted by his Majesty, or any his Predecessors, to any Person or Persons of or in any Lands, Rents, Tithes or Hereditaments, not being Offices, nor to take away or make void any Pension or Salary already granted by his Majesty to any Person who was instrumental in the happy Preservation of his sacred Majesty after the Battle at *Worcester* in the Year one thousand six hundred fifty-one, until his Majesty's Arrival beyond the Seas, nor to take away or make void the Grant of any Office or Offices of Inheritance, or any Fee, Salary or Reward for executing such Office or Offices, or thereto any way belonging, granted by his Majesty or any his Predecessors, to or enjoyed, or which hereafter shall be enjoyed by, any Person or Persons who shall refuse or neglect to take the said Oaths, or either of them, or to receive the Sacrament, or to subscribe the Declaration mentioned in this Act in Manner therein expressed: Nevertheless so as such Person or Persons having or enjoying any such Office or Offices of Inheritance, do or shall substitute and appoint his or their sufficient Deputy or Deputies (which such Officer or Officers respectively are hereby impowered from Time to Time to make or change, any former Law or Usage to the contrary notwithstanding) to exercise the said Office or Offices, until such Time as the Person or Persons having such Office or Offices shall voluntarily in the Court of Chancery, before the Lord Chancellor or Lord Keeper for the Time being, or in the Court of King's Bench, take the said Oaths, and receive the Sacrament according to Law, and subscribe the said Declaration, and so as all and every the Deputy and Deputies so as aforesaid to be appointed, take the said Oaths, receive the Sacrament, and subscribe the said Declaration from Time to Time, as they shall happen to be so appointed, in Manner as by this Act such Officers whose Deputies they be, are appointed to do, and so as such Deputies be from Time to Time approved of by the King's Majesty under his Privy Signet: But that all and every the Peers of this Realm shall have, hold and enjoy what is provided for as aforesaid, and all and every other Person or Persons before mentioned, denoted or intended within this Proviso, shall have, hold and enjoy what is provided for as aforesaid, notwithstanding any Incapacity or Disability mentioned in this Act.

Such Officers may appoint Deputies, who must take the Oaths, &c.

and subscribe

The Peers may take the Oaths, &c. in Parliament

XII. Provided also, That the said Peers and every of them may take the said Oaths, and make the said Subscription and deliver the said Certificates, before the Peers sitting in Parlia-

ment, if the Parliament be sitting within the Time limited for doing thereof, and in the Intervals of Parliament in the High Court of Chancery, in which respective Courts all the said Proceedings are to be recorded in Manner aforesaid.

No. 65.
25 Charles II. c. 2.

XIII. Provided always, That no married Woman, or Person under the Age of eighteen Years, or being beyond or upon the Seas, or found by the lawful Oaths of twelve Men to be *Non compos mentis*, and so being and remaining at the End of *Trinity* Term in the Year of our Lord one thousand six hundred seventy-three, having any Office, shall by Virtue of this Act lose or forfeit any such his or her Office (other than such married Woman during the Life of her Husband only) for any Neglect or Refusal of taking the Oaths, and doing the other Things required by this Act to be done by Persons having Offices, so as such respective Persons within four Months after the Death of the Husband, coming to the Age of eighteen Years, returning into this Kingdom, and becoming of sound Mind, shall respectively take the said Oaths, and perform all other Things in Manner as by this Act is appointed for Persons to do, who shall happen to have any Office or Offices to them given or fallen after the End of the said *Trinity* Term.

Married Women, &c.

XIV. Provided also, That any Person who by his or her Neglect or Refusal, according to this Act, shall lose or forfeit any Office, may be capable by a New Grant of the said Office, or of any other, and to have and hold the same again, such Person taking the said Oaths, and doing all other Things required by this Act, so as such Office be not granted to, and actually enjoyed by, some other Person at the Time of the regranting thereof.

Any Person forfeiting his Office, upon taking the Oaths, &c. capable of a new Grant thereof.

XV. Provided also, That nothing in this Act contained shall extend to make any Forfeiture, Disability, or Incapacity in, by, or upon any Non-commissioned Officer or Officers in his Majesty's Navy, if such Officer or Officers shall only subscribe the Declaration therein required, in Manner as the same is directed.

Not to extend to Non-commission Officers in the Navy, &c.

XVI. Provided also, That nothing in this Act contained shall extend to prejudice *George* Earl of *Bristol*, or *Anne* Countess of *Bristol* his Wife, in the Pension or Pensions granted to them by Patent under the Great Seal of *England*, bearing Date the sixteenth Day of *July* in the Year of our Lord one thousand six hundred sixty and nine, being in lieu of a just Debt due to the said Earl from his Majesty, particularly expressed in the said Patent.

Earl of Bristol and his Lady.

XVII. Provided also, This this Act, or any Thing therein contained, shall not extend to the Office of any High Constable, Petty Constable, Tithingman, Headborough, Overseer of the Poor, Churchwardens, Surveyor of the Highways, or any like inferior Civil Office, or to any Office of Forester, or Keeper of any Park, Chace, Warren, or Game, or of Bailiff of any Manor or Lands, or to any like private Offices, or to any Person or Persons having only any the before-mentioned, or any the like Offices.

Constables, &c.

No. 66.

29 Charles II. c. 7.—An Act for the better Observation of the Lord's Day, commonly called *Sunday.*

[Inserted Pt. VI. Cl XXIV.]

No. 67.

29 Charles II. c. 9.—An Act for taking away the Writ *De Hæretico comburendo.*

No. 68.

30 Charles II. stat. 2. *—An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament.

No. 68. 30 Charles II. st. 2.

'FORASMUCH as divers good Laws have been made for 'preventing the Increase and Danger of Popery in this 'Kingdom, which have not had the desired Effects, by reason 'of the free Access which Popish Recusants have had to his 'Majesty's Court, and by reason of the Liberty which of late 'some of the Recusants have had and taken to sit and vote in 'Parliament:'

II. Wherefore, and for the Safety of his Majesty's Royal Person and Government, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the First Day of *December*, which shall be in the Year of our Lord God one thousand six hundred seventy and eight, no Person that now is or hereafter shall be a Peer of this Realm, or Member of the House of Peers, shall vote, or make his Proxy in the House of Peers, or sit there during any Debate in the said House of Peers; nor any Person that now is, or hereafter shall be a Member of the House of Commons, shall vote in the House of Commons, or sit there during any Debate in the said House of Commons after their Speaker is chosen; until such Peer or Member shall, from Time to Time respectively, and in Manner following, first take the several Oaths of Allegiance and Supremacy, and make, subscribe, and audibly repeat this Declaration following.

For these Oaths, see 1 W. & M. sess. 1. c. 1. § 3.

The Declaration.

'III. I *A. B.* do solemnly and sincerely, in the Presence 'of God, profess, testify, and declare, That I do 'believe that in the Sacrament of the Lord's Supper there is 'not any Transubstantiation of the Elements of Bread and

* This is the single Act of the Session in which it was passed.

No. 68.
30 Charles II. st. 2.

'Wine into the Body and Blood of Christ at or after the Consecration thereof by any Person whatsoever: And that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of *Rome*, are superstitious and idolatrous. And I do solemnly, in the Presence of God, profess, testify, and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by *English* Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope, or any other Authority or Person whatsoever, or without any Hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am or can be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, although the Pope, or any other Person or Persons, or Power whatsoever, should dispense with or annul the same, or declare that it was null or void from the Beginning.'

This Declaration to be subscribed by all professed Papists at their Age of Eighteen, by 1 Anne, st. 1. c. 32. § 7.

IV. Which said Oaths and Declaration shall be in this and every succeeding Parliament solemnly and publickly made and subscribed betwixt the Hours of Nine in the Morning and Four in the Afternoon, by every such Peer and Member of the House of Peers, at the Table in the Middle of the said House, before he take his Place in the said House of Peers, and whilst a full House of Peers is there with their Speaker in his Place; and by every such Member of the House of Commons, at the Table in the Middle of the said House, and whilst a full House of Commons is there duly sitting with their Speaker in his Chair; and that the same be done in either House in such like Order or Method as each House is called over by respectively.

The Time and Place of taking the Oaths, and making and subscribing the Declaration

V. And be it further enacted, That from and after the said first Day of *December*, every Peer of this Realm, and Member of the House of Peers, and every Peer of the Kingdom of *Scotland*, or of the Kingdom of *Ireland*, being of the Age of one and twenty Years or upwards, not having taken the said Oaths, and made and subscribed the said Declaration; and every Member of the said House of Commons, not having as aforesaid taken the said Oaths, and made and subscribed the said Declaration; and every Person now, or hereafter convicted of Popish Recusancy, who hereafter shall at any Time after the said first Day of *December*, come advisedly into or remain in the Presence of the King's Majesty or Queen's Majesty, or shall come into the Court or House where they or any of them reside, as well during the Reign of his present Majesty (whose Life God long preserve) as during the Reigns of any his Royal Successors Kings or Queens of *England*; shall incur and suffer all the Pains, Penalties, Forfeitures, and Disabilities in this Act mentioned or contained; unless such Peer, Member, or Person so convicted, do respectively, in the next Term after such

Members of Parliament not swearing and declaring as aforesaid, and Recusants Convict, forbidden the King's or Queen's Presence.

No. 68. 30 Charles II. st. 2.

his coming or remaining, take the said Oaths, and make and subscribe the said Declaration in his Majesty's High Court of Chancery between the Hours of Nine and Twelve in the Forenoon.

The Penalty upon Members of Parliament offending contrary to this Act

VI. And be it further enacted by the Authority aforesaid, That if any Person that now is or hereafter shall be a Peer of this Realm, or Member of the House of Peers, or Member of the House of Commons, shall presume to do any thing contrary to this Act, or shall offend in any of the Cases aforesaid; That then every such Peer and Member so offending shall from thenceforth be deemed and adjudged a Popish Recusant convict to all Intents and Purposes whatsoever, and shall forfeit and suffer as a Popish Recusant convict; and shall be disabled to hold or execute any Office or Place of Profit or Trust Civil or Military, in any of his Majesty's Realms of *England* or *Ireland*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, or in any of his Majesty's Islands or Foreign Plantations to the said Realms belonging; and shall be disabled from thenceforth to sit or vote in either House of Parliament, or make a Proxy in the House of Peers, or to sue or use any Action, Bill, Plaint or Information in course of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child, or Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift; and shall forfeit for every wilful Offence against this Act the Sum of five hundred Pounds, to be recovered and received by him or them that shall sue for the same, and to be prosecuted by any Action of Debt, Suit, Bill, Plaint or Information in any of his Majesty's Courts at *Westminster*, wherein no Essoin, Protection or Wager of Law shall lie.

Either House of Parliament may any of their Members to swear and subscribe as aforesaid.

VII. And be it further enacted by the Authority aforesaid, That from the said first Day of *December* it shall and may be lawful to and for the House of Peers and House of Commons, or either of them respectively, as often as they or either of them shall see Occasion, either in this present Parliament, or any other hereafter to be holden, to order and cause all or any of the Members of their respective Houses of Parliament, openly in their respective Houses of Parliament, to take the said Oaths, and to make and subscribe the said Declaration, at such Times, and in such Manner, as they shall appoint. And if any Peer shall, contrary to such Order made by their said House, wilfully presume to sit therein, without taking the said Oaths, and subscribing the said Declaration, according to the said Order, every such Peer or Member of the House of Peers, so presuming to sit, shall be adjudged, and is hereby declared, to be uncapable and disabled in Law to all Intents and Purposes whatsoever, to sit in the said House of Peers, and give any Voice therein, either by Proxy or otherwise howsoever, during that Parliament: And if any Member or Members of the House of Commons shall, contrary to such Order made by their House, wilfully presume to sit therein, without taking the said Oaths, and making and subscribing the said Declaration,

every such Member or Members of the House of Commons, so presuming to sit, shall be adjudged and is hereby declared to be uncapable and disabled in Law to all Intents and Purposes whatsoever to sit in the said House of Commons, or give any Voice therein during that Parliament.

No. 68. 30 Charles II. st. 2.

VIII. And be it enacted, That in every Case where any Member or Members of the House of Commons shall, by virtue of this Act, be disabled to sit or vote in the House of Commons, then and in every such Case, without any further Conviction or other Proceedings against such Member or Members, the Place or Places for which they or any of them were elected, is hereby declared void; and a new Writ or Writs shall issue out of the High Court of Chancery by Warrant or Warrants from the Speaker of the House of Commons for the Time being, and by Order of the said House, for the Election of a new Member or Members to serve in the House of Commons, in the Place or Places of such Member or Members so disabled, to all Intents and Purposes, as if such Member or Members were naturally dead.

The Places of Members of the House of Commons disabled to vote, shall be void, and Writs issue out for new Elections.

IX. And be it further enacted by the Authority aforesaid, That, from and after the first Day of *December*, one thousand six hundred seventy and eight, every Person then being, and who after that Time shall be, a Sworn Servant to the King's or Queen's Majesty, not having before that Time duly taken the Oaths, and made and subscribed the Declaration contained in an Act, intituled, "An Act for preventing Dangers which may happen from Popish Recusants," shall take the said Oaths, and make and subscribe the Declaration before expressed, in his Majesty's High Court of Chancery, in the Manner aforesaid, either in the next Term after the said first Day of *December*, or in the next Term after any such Person shall be so sworn a Servant; or in case of lawful Impediment by Sickness, proved upon Oath, and allowed to be such under the Hand of the Lord Chancellor, or Lord Keeper for the Time being, then in the next Term after such Impediment removed; and if any such Person shall refuse or neglect to do the same, and yet, after such Refusal or Neglect, shall advisedly come into or remain in the Presence of the King's or Queen's Majesty, or shall come into the Court or House where they or any of them reside, as well during the Reign of his present Majesty, as during the Reigns of his and their Royal Successors, Kings or Queens of *England*, and every of them, every such Person shall be disabled to hold any Place as such sworn Servant, and shall incur and suffer all the Pains, Penalties, Forfeitures, and Disabilities in this Act mentioned or contained.

The King's and Queen's Sworn Servants shall swear as aforesaid, and make and subscribe the said Declaration.

25 Car. 2. c. 2. Repealed by 2 Geo. 2. c. 38. § 9.

X. Provided, That nothing in this Act shall relate to or have any Effect upon any Person being a natural-born Subject of the King of *Portugal*, who now is or hereafter shall be a sworn Servant to the Queen's Majesty, not exceeding Nine in Number at any one Time: Nor to such Women Servants, as her Majesty shall, under her Hand and Seal, from Time to

A provision for the Queen to have Eighteen Popish Servants.

No. 68
30 Charles II. st. 2.

Time for that Purpose be pleased to nominate; the said Women Servants so nominated not exceeding the Number of Nine at any one Time.

XI. And be it enacted, That during the time of taking of the said Oaths, and making and subscribing the said Declaration, all other Matters and Proceedings, as well in the said Houses of Parliament, as in the said Court, shall cease; and the said Oaths, Declaration and Subscription, together with a Schedule of the Names of the Persons who shall by virtue of this Act take and subscribe the same, shall be made, entred and filed in Parchment-Rolls from time to time, duly provided for that Purpose by the Clerk of the House of Lords, and the Clerk of the House of Commons, and by the Clerk of the Petty Bag in Chancery, for the several and respective Uses as aforesaid; and none of the Peers or Members shall give or pay any Fee or Reward to any such Clerk, above the Sum of Twelve-pence for the Entry of his taking the said Oaths, and making and subscribing the said Declaration: All which Rolls respectively the said Clerks are hereby required from time to time, without any Fee or Reward, to shew to any Person desiring to look upon the same: And the said House of Peers and House of Commons, and Court of Chancery are hereby severally impowered and required in the first place, all other Business laid aside, to administer the said Oaths, Declaration and Subscription respectively, as Occasion shall be from time to time, to all and every the Person and Persons aforesaid, duly demanding the same, according to the Directions, Purport and Meaning of this present Act.

Such as have Licence from six Privy Counsellors, may come into the King's or Queen's Presence, notwithstanding this Act.

XII. Provided always, That this Act, nor any thing herein contained, shall extend to the Prejudice of any Person for coming into or remaining in the Presence of the King or Queen's Majesty, who shall first have Licence so to do by any Warrant under the Hands and Seals of six or more Privy Counsellors, by Order of his Majesty's Privy Council, upon some urgent Occasion therein to be expressed, so as such Licence exceed not the Space of ten Days, and that the said Licence be first filed and put upon Record in the Office of the Petty Bag in Chancery, for any body to view without Fee or Reward, and no Person be licenced for above the Number of thirty Days in any one Year.

Offenders that shall take the Oaths, &c. discharged, &c.

XIII. Provided nevertheless, That if any Offender contrary to this Act shall at any time after such Offence take the said Oaths, and make and subscribe the said Declaration, in his Majesty's High Court of Chancery, and in the Manner aforesaid, every such Person shall be from thenceforth freed and discharged of and from all Seizures, Penalties and Losses which he might otherwise sustain or bear for or by reason of being a Popish Recusant convict by virtue of this Act; and shall be freed and discharged from all Disabilities and Incapacities incurred thereby; so as such Freedom and Discharge extend not to restore any such Person to any Office or Place filled and supplied upon Voidance by this Act; nor to any other

Office till after the Expiration of one Year from the taking the said Oath, and making the Declaration aforesaid; nor to make void, or at any Time discharge the said Forfeiture of five hundred Pounds, incurred as aforesaid. No. 68. 30 Charles II. st. 2.

XIV. Provided always, That nothing in this Act contained shall extend to his Royal Highness the Duke of *York*.

No. 69.

1 William and Mary, sess. 1 c. 6.—An Act for establishing the Coronation Oath.*

WHEREAS by the Law and antient Usage of this Realm, the Kings and Queens thereof have taken a solemn Oath upon the Evangelists at their respective Coronations, to maintain the Statutes, Laws and Customs of the said Realm, and all the People and Inhabitants thereof, in their Spiritual and Civil Rights and Properties: But forasmuch as the Oath itself on such Occasion administered, hath heretofore been framed in doubtful Words and Expressions, with relation to antient Laws and Constitutions at this Time unknown:' To the End therefore that one uniform Oath may be in all Times to come taken by the Kings and Queens of this Realm, and to them respectively administered at the Times of their and every of their Coronation; may it please your Majesties that it may be enacted; No. 69. 1 William and Mary, sess. 1. c. 6.

II. And be it enacted by the King's and Queen's most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That the Oath herein mentioned, and hereafter expressed, shall and may be administered to their most excellent Majesties King *William* and Queen *Mary*, (whom God long preserve), at the Time of their Coronation, in the presence of all Persons that shall be then and there present at the solemnizing thereof, by the Archbishop of *Canterbury*, or the Archbishop of *York*, or either of them, or any other Bishop of this Realm, whom the King's Majesty shall thereunto appoint, and who shall be hereby thereunto respectively authorized; which Oath followeth, and shall be administered in this Manner, that is to say; An Oath to be taken by the King and Queen.

The Archbishop or Bishop shall say,

"III. Will you solemnly promise and swear to govern the "People of this Kingdom of *England*, and the Dominions "thereto belonging, according to the Statutes in Parliament "agreed on, and the Laws and Customs of the same?" Coronation Oath.

The King and Queen shall say,

"I solemnly promise so to do."

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* I have thought it not inexpedient to insert the present Act in this Class, as the Language of the Coronation Oath is supposed to create an Impediment to the further Relaxation of the Law with respect to Roman Catholics.

No. 69.
1 William and Mary, sess. 1. c. 6.

Archbishop or Bishop.

"Will you to your Power cause Law and Justice, in Mer-"cy, to be executed in all your Judgments?"

King and Queen.

"I will."

Archbishop or Bishop.

"Will you to the utmost of your Power maintain the Laws of God, the true Profession of the Gospel and the Protestant Reformed Religion established by Law? And will you preserve unto the Bishops and Clergy of this Realm, and to the Churches committed to their Charge, all such Rights and Privileges as by Law do or shall appertain unto them, or any of them?"

King and Queen.

"All this I promise to do."

After this, the King and Queen laying his and her Hand upon the Holy Gospels, shall say, King and Queen.

"The Things which I have here before promised, I will "perform and keep. *So help me God.*"

Then the King and Queen shall kiss the Book.

All Kings, &c. to take the Oath.

IV. And be it further enacted, That the said Oath shall be in like Manner administered to every King or Queen, who shall succeed to the Imperial Crown of this Realm, at their respective Coronations, by one of the Archbishops or Bishops of this Realm of *England*, for the Time being, to be thereunto appointed by such King or Queen respectively, and in the Presence of all Persons that shall be attending, assisting, or otherwise present at such their respective Coronations; any Law, Statute, or Usage, to the contrary notwithstanding.

No. 70.

1 William and Mary, sess. 1. c. 9.—An Act for the amoving Papists, and reputed Papists, from the Cities of *London* and *Westminster*, and ten Miles Distance from the same.

No. 71.

1 William and Mary, sess. 1. c. 15.—An Act for the better securing the Government by disarming Papists and reputed Papists.

No. 72.

1 William and Mary, sess. 1. c. 18.—An Act for exempting their Majesties' Protestant Subjects, dissenting from the Church of *England*, from the Penalties of certain Laws.*

No. 72. 1 William and Mary, sess. 1. c. 18.

'FORASMUCH as some Ease to scrupulous Consciences 'in the Exercise of Religion may be an effectual Means 'to unite their Majesties' Protestant Subjects in Interest and 'Affection :'

The several Laws not to extend to Dissenters. 23 Eliz. c. 1. 29 Eliz. c. 6.

II. Be it enacted by the King's and Queen's most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That neither the Statute made in the three and twentieth Year of the Reign of the late Queen *Elizabeth*, intituled, "An Act to retain the Queen's Majesty's Subjects in their due Obedience;" nor the Statute made in the twenty-ninth Year of the said Queen, intituled, "An Act for the more speedy and due Execution of certain Branches of the Statute made in the three and twentieth Year of the Queen's Majesty's Reign," viz. the aforesaid Act; nor that Branch or Clause of a Statute made in the first Year of the Reign of the said Queen, intituled, "An Act for the Uniformity of Common Prayer and Service in the Church, and Administration of the Sacrament;" whereby all Persons, having no lawful or reasonable Excuse to be absent, are required to resort to their Parish Church or Chapel, or some usual Place where the Common Prayer shall be used, upon pain of Punishment by the Censures of the Church, and also upon pain that every Person so offending shall forfeit for every such Offence twelve Pence; nor the Statute made in the third Year of the Reign of the late King *James* the First, intituled, "An Act for the better discovering and repressing Popish Recusants;" nor that other Statute made in the same Year, intituled, "An Act to prevent and avoid Dangers which may grow by Popish Recusants;" nor any other Law or Statute of this Realm made against Papists or Popish Recusants, except the Statute made in the five and twentieth Year of King *Charles* the Second, intituled, "An Act for preventing Dangers which may happen from Popish Recusants;" and except also the Statute made in the thirtieth Year of the said King *Charles* the Second, intituled, "An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament," shall be construed to extend to any Person or Persons dissenting from the Church of *England*, that shall take the Oaths

1 Eliz. c. 2. § 14.

3 Jac. 1. c. 4.

3 Jac. 1. c. 5.

Exception.

25 Car. 2. c. 2.

30 Car. 2. st. 2. c. 1.

* Usually called the Toleration Act. This Act, in Rex v. Larwood, 1 Lord Raym. 29, 1 Salk. 167, was, upon very unsatisfactory Reasons, held to be a private Act, but is declared to be a public Act by Stat. 19 Geo. III. c. 44, post. See Evans v. Harrison; 6 Bro. P. C. 181; (cited) Cowp. 392, Wilmot's Reports, 130.

No. 72.
1 William and Mary, sess. 1. c. 18.

Supra, c. 1.

30 Car. 2. st. 2. c. 1.

mentioned in the Statute made this present Parliament, intituled, "An Act for removing and preventing all Questions and Disputes concerning the assembling and sitting of this present Parliament;" and shall make and subscribe the Declaration mentioned in a Statute made in the thirtieth Year of the Reign of King *Charles* the Second, intituled, "An Act to prevent Papists from sitting in either House of Parliament;" which Oaths and Declaration the Justices of Peace at the General Sessions of the Peace, to be held for the County or Place where such Person shall live, are hereby required to tender and administer to such Persons as shall offer themselves to take, make and subscribe the same, and thereof to keep a Register: And likewise none of the Persons aforesaid shall give or pay, as any Fee or Reward, to any Officer or Officers belonging to the Court aforesaid, above the Sum of six Pence, nor that more than once, for his or their Entry of his taking the said Oaths, and making and subscribing the said Declaration; nor above the further Sum of six Pence for any Certificate of the same, to be made out and signed by the Officer or Officers of the said Court.

Taking Declaration to be registered.

Fee for Register and Certificate.

Persons convicted, &c. taking the Oaths, &c. shall be discharged

III. And be it further enacted by the Authority aforesaid, That all and every Person and Persons already convicted or prosecuted in order to Conviction of Recusancy, by Indictment, Information, Action of Debt, or otherwise, grounded upon the aforesaid Statutes, or any of them, that shall take the said Oaths mentioned in the said Statute made this present Parliament, and make and subscribe the Declaration aforesaid, in the Court of Exchequer, or Assizes, or General or Quarter-Sessions to be held for the County where such Person lives, and to be thence respectively certified into the Exchequer, shall be thenceforth exempted and discharged from all the Penalties, Seizures, Forfeitures, Judgments, and Executions, incurred by Force of any of the aforesaid Statutes, without any Composition, Fee, or further Charge whatsoever.

IV. And be it further enacted by the Authority aforesaid, That all and every Person and Persons that shall, as aforesaid, take the said Oaths, and make and subscribe the Declaration aforesaid, shall not be liable to any Pains, Penalties, or Forfeitures, mentioned in an Act made in the five and thirtieth Year of the Reign of the late Queen *Elizabeth*, intituled, "An Act to retain the Queen's Majesty's Subjects in their due Obedience;" nor in an Act made in the two and twentieth Year of the Reign of the late King *Charles* the Second, intituled, "An Act to prevent and suppress seditious Conventicles;" nor shall any of the said Persons be prosecuted in any Ecclesiastical Court, for or by reason of their non-conforming to the Church of *England*.

35 Eliz. c. 1.

22 Car. 2. c. 1.

Ecclesiastical Court.

Private Meetings excluded.

V. Provided always, and be it enacted by the Authority aforesaid, That if any Assembly of Persons dissenting from the Church of *England* shall be had in any Place for religious Worship with the Doors locked, barred, or bolted, during any Time of such meeting together, all and every Person or Per-

sons, that shall come to and be at such Meeting, shall not receive any Benefit from this Law, but be liable to all the Pains and Penalties of all the aforesaid Laws recited in this Act, for such their meeting, notwithstanding his taking the Oaths, and his making and subscribing the Declaration aforesaid.

No. 72. 1 William and Mary, sess. 1. c. 18.

VI. Provided always, That nothing herein contained shall be construed to exempt any of the Persons aforesaid from paying of Tythes or other parochial Duties, or any other Duties to the Church or Minister, nor from any Prosecution in any Ecclesiastical Court, or elsewhere, for the same.

Tythes saved.

VII. And be it further enacted by the Authority aforesaid, That if any Person dissenting from the Church of *England*, as aforesaid, shall hereafter be chosen or otherwise appointed to bear the Office of High-constable or Petit-constable, Churchwarden, Overseer of the Poor, or any other parochial or Ward-Office,(1.) and such Person shall scruple to take upon him any of the said Offices in regard of the Oaths, or any other Matter or Thing required by the Law to be taken or done in respect of such Office, every such Person shall and may execute such Office or Employment by a sufficient Deputy, by him to be provided, that shall comply with the Laws on this Behalf. Provided always, the said Deputy be allowed and approved by such Person or Persons, in such Manner as such Officer or Officers respectively should by Law have been allowed and approved.

Officers scrupling Oaths, &c. allowed to act by Deputy.

VIII. And be it further enacted by the Authority aforesaid, That no Person dissenting from the Church of *England*, in holy Orders, or pretended holy Orders, or pretending to holy Orders, nor any Preacher or Teacher of any Congregation of Dissenting Protestants,(2.) that shall make and subscribe the Declaration aforesaid, and take the said Oaths at the General or Quarter-Sessions of the Peace to be held for the County, Town, Parts, or Division where such Person lives, which Court is hereby impowered to administer the same, and shall also declare his Approbation of and subscribe the Articles of Religion mentioned in the Statute made in the thirteenth Year of the Reign of the late Queen *Elizabeth*, except the Thirty-fourth, Thirty-fifth, and Thirty-sixth, and these Words of the Twentieth Article, viz. [*The Church hath Power to decree Rites or Ceremonies, and Authority in Controversies of Faith, and yet*] shall be liable to any of the Pains or Penalties mentioned in an Act made in the Seventeenth Year of the Reign of King *Charles* the Second, intituled, "An Act for restraining Non-conformists from inhabiting in Corporations;" nor the Penalties mentioned

Persons in Orders how exempted from 17 Car. 2. c. 2. 13 & 14 Car. 2. c. 4.

13 Eliz. c. 12.

17 Car. 2. c. 2.

(1.) The Exemption extends to Offices subsequently created; and the Preacher is entitled to it, although engaged in Trade; Kenward *v.* Knowles, Willes, 463.

(2.) For Cases upon Applications for Writs of Mandamus to administer the Oaths under this Section, see Rex *v.* Justices of Denbighshire, 14 East, 285; R. *v.* Justices of Gloucestershire, 15 East, 577; R. *v.* Justices of Suffolk, 15 E. 590. And see Stat. 52 Geo. III. c. 155, post.

No. 72. 1 William and Mary, sess. 1, c. 18.

in the aforesaid Act made in the Two and twentieth Year of his said late Majesty's Reign, for or by reason of such Persons preaching at any Meeting for the Exercise of Religion; nor to the Penalty of one hundred Pounds mentioned in an Act made in the thirteenth and fourteenth of King *Charles* the Second, intituled, "An Act for the Uniformity of publick Prayers, and Administration of Sacraments and other Rites and Ceremonies: And for establishing the Form of making, ordaining, and consecrating of Bishops, Priests, and Deacons, in the Church of *England*," for officiating in any Congregation for the Exercise of Religion permitted and allowed by this Act.

13 & 14 Car. 2. c. 4.

Taking the Oaths, &c. to be registered.

IX. Provided always, That the making and subscribing the said Declaration, and the taking the said Oaths, and making the Declaration of Approbation and Subscription to the said Articles, in Manner as aforesaid, by every respective Person or Persons herein before mentioned, at such General or Quarter Sessions of the Peace as aforesaid, shall be then and there entred of Record in the said Court, for which Sixpence shall be paid to the Clerk of the Peace, and no more: Provided that such Person shall not at any Time preach in any Place, but with the Doors not locked, barred, or bolted, as aforesaid.

Meeting-door to be unlocked.

Baptists.

'X. And whereas some Dissenting Protestants scruple the 'Baptizing of Infants;' be it enacted by the Authority aforesaid, That every Person in pretended holy Orders, or pretending to holy Orders, or Preacher, or Teacher, that shall subscribe the aforesaid Articles of Religion, except before excepted, and except Part of the seven and twentieth Article touching Infant Baptism, and shall take the said Oaths, and make and subscribe the Declaration aforesaid, in Manner aforesaid, every such Person shall enjoy all the Privileges, Benefits, and Advantages, which any other Dissenting Minister, as aforesaid, might have or enjoy by virtue of this Act.

Teachers exempt from Offices.

XI. And be it further enacted by the Authority aforesaid, That every Teacher or Preacher in holy Orders, or pretended holy Orders, that is a Minister, Preacher, or Teacher of a Congregation, that shall take the Oaths herein required, and make and subscribe the Declaration aforesaid, and also subscribe such of the aforesaid Articles of the Church of *England*, as are required by this Act in Manner aforesaid, shall be thenceforth exempted from serving upon any Jury, or from being chosen or appointed to bear the Office of Churchwarden, Overseer of the Poor, or any other parochial or Ward Office, or other Office in any Hundred of any Shire, City, Town, Parish, Division, or Wapentake.

Justice of Peace may tender the Oaths, &c.

XII. And be it further enacted by the Authority aforesaid, That every Justice of the Peace may at any Time hereafter require any Person, that goes to any Meeting for Exercise of Religion, to make and subscribe the Declaration aforesaid, and also to take the said Oaths or Declaration of Fidelity hereinafter mentioned, in case such Person scruples the taking of an Oath, and upon Refusal thereof, such Justice of the Peace is hereby required to commit such Person to Prison

without Bail or Mainprize, and to certify the Name of such Person to the next General or Quarter Sessions of the Peace to be held for that County, City, Town, Part or Divison, where such Person then resides; and if such Person so committed shall upon a second Tender at the General or Quarter Sessions refuse to make and subscribe the Declaration aforesaid, such Person refusing shall be then and there recorded, and he shall be taken thenceforth to all Intents and Purposes for a Popish Recusant Convict, and suffer accordingly, and incur all the Penalties and Forfeitures of all the aforesaid Laws. No. 72 1 William and Mary, sess. 1. c. 18. Penalty for refusing.

'XIII. And whereas there are certain other Persons, 'Dissenters from the Church of *England*, who scruple the 'taking of any Oath;' be it enacted by the Authority aforesaid, That every such Person shall make and subscribe the aforesaid Declaration, and also this Declaration of Fidelity following, viz. Quakers how exempted. Altered as to Quakers by 8 Geo. 1. c. 6.

'I *A. B.* do sincerely promise and solemnly declare before 'God and the World, that I will be true and faithful to 'King *William* and Queen *Mary*, and I do solemnly profess 'and declare, That I do from my Heart abhor, detest, and 'renounce, as impious and heretical, that damnable Doctrine 'and Position, *That Princes excommunicated or deprived by the 'Pope, or any Authority of the See of* Rome, *may be deposed or 'murthered by their Subjects, or any other whatsoever.* And I 'do declare, that no Foreign Prince, Person, Prelate, State, or 'Potentate, hath, or ought to have, any Power, Jurisdiction, 'Superiority, Pre-eminence, or Authority, Ecclesiastical or 'Spiritual, within this Realm.' Declaration of Fidelity.

And shall subscribe a Profession of their Christian Belief in these Words:

'I *A. B.* profess Faith in God the Father, and in Jesus 'Christ his eternal Son, the true God, and in the Holy 'Spirit, One God blessed for evermore; and do acknowledge 'the Holy Scriptures of the Old and New Testament to be 'given by Divine Inspiration.' Profession.

Which Declarations and Subscription shall be made and entred of Record at the General Quarter Sessions of the Peace for the County, City, or Place where every such Person shall then reside. And every such Person that shall make and subscribe the two Declarations and Profession aforesaid, being thereunto required, shall be exempted from all the Pains and Penalties of all and every the aforementioned Statutes made against Popish Recusants, or Protestant Nonconformists, and also from the Penalties of an Act made in the fifth Year of the Reign of the late Queen *Elizabeth*, intituled, "An Act for the Assurance of the Queen's Royal Power over all Estates and Subjects within her Dominions," for or by Reason of such Persons not taking or refusing to take the Oath mentioned in the said Act, 5 Eliz. c. 1.

No. 72. 1 William and Mary, sess. 1. c. 18. 13 & 14 Car. 2. c. 1.

and also from the Penalties of an Act made in the thirteenth and fourteenth Years of the Reign of King *Charles* the Second, intituled, "An Act for preventing Mischiefs that may arise by certain Persons called *Quakers*, refusing to take lawful Oaths;" and enjoy all other the Benefits, Privileges, and Advantages under the like Limitations, Provisoes, and Conditions, which any other Dissenters shall or ought to enjoy by virtue of this Act.

How purged after Refusal of the Oaths.

XIV. Provided always, and be it enacted by the Authority aforesaid, That in case any Person shall refuse to take the said Oaths, when tendered to them, which every Justice of the Peace is hereby impowered to do, such Person shall not be admitted to make and subscribe the two Declarations aforesaid, though required thereunto either before any Justice of the Peace, or at the General or Quarter Sessions, before or after any Conviction of Popish Recusancy, as aforesaid, unless such Person can, within thirty-one Days after such Tender of the Declarations to him, produce two sufficient Protestant Witnesses, to testify upon Oath, that they believe him to be a Protestant Dissenter, or a Certificate under the Hands of four Protestants, who are conformable to the Church of *England*, or have taken the Oaths and subscribed the Declaration above mentioned, and shall also produce a Certificate under the Hands and Seals of six or more sufficient Men of the Congregation to which he belongs, owning him for one of them.

XV. Provided also, and be it enacted by the Authority aforesaid, That until such Certificate, under the Hands of six of his Congregation, as aforesaid, be produced, and two Protestant Witnesses come to attest his being a Protestant Dissenter, or a Certificate under the Hands of four Protestants as aforesaid, be produced, the Justice of the Peace shall and hereby is required to take a Recognizance with two Sureties in the penal Sum of fifty Pounds, to be levied of his Goods and Chattels, Lands and Tenements, to the Use of the King's and Queen's Majesties, their Heirs and Successors, for his producing the same; and if he cannot give such Security, to commit him to Prison, there to remain until he has produced such Certificates, or two Witnesses, as aforesaid.

Laws for Divine Service in Force.

XVI. Provided always, and it is the true Intent and Meaning of this Act, That all the Laws made and provided for the frequenting of Divine Service on the Lord's Day, commonly called *Sunday*, shall be still in Force, and executed against all Persons that offend against the said Laws, except such Persons come to some Congregation or Assembly of Religious Worship, allowed or permitted by this Act.

Papists, &c. excepted.

XVII. Provided always, and be it further enacted by the Authority aforesaid, That neither this Act, nor any Clause, Article, or Thing herein contained, shall extend or be construed to extend to give any Ease, Benefit, or Advantage to any Papist or Popish Recusant whatsoever, or any Person that shall deny in his preaching or writing the Doctrine of the Bles-

sed Trinity, as it is declared in the aforesaid Articles of Religion.(3.)

No. 72. 1 William and Mary, sess. 1. c. 18.

XVIII. Provided always, and be it enacted by the Authority aforesaid, That if any Person or Persons, at any Time or Times after the tenth Day of *June*, do and shall willingly and of purpose, maliciously or contemptuously come into any Cathedral or Parish Church, Chapel, or other Congregation permitted by this Act, and disquiet or disturb the same, or misuse any Preacher or Teacher, such Person or Persons, upon proof thereof before any Justice of Peace, by two or more sufficient Witnesses, shall find two Sureties to be bound by Recognizance in the penal Sum of fifty Pounds, and in Default of such Sureties shall be committed to Prison, there to remain till the next General or Quarter Sessions; and upon Conviction of the said Offence at the said General or Quarter Sessions, (4) shall suffer the Pain and Penalty of twenty Pounds, (5.) to the Use of the King's and Queen's Majesties, their Heirs and Successors.

Disturbers of Religious Worship how punished.

XIX. Provided always, That no Congregation or Assembly for Religious Worship shall be permitted or allowed by this Act, until the Place of such Meeting shall be certified to the Bishop of the Diocese, or to the Archdeacon of that Archdeaconry, or to the Justices of the Peace at the General or Quarter Sessions of the Peace for the County, City, or Place in which such Meeting shall be held, and registered in the said Bishop's or Archdeacon's Court respectively, or recorded at the said General or Quarter Sessions; the Register or Clerk of the Peace whereof respectively is hereby required to register the same, and to give Certificate thereof to such Person as shall demand the same, for which there shall be no greater Fee nor Reward taken, than the Sum of Six-Pence.

Place for Worship to be certified.

(3.) This Section repealed by Stat. 53 Geo. III. c. 160, post.

(4.) An Indictment upon this Section may be removed into the King's Bench before Verdict; R. v. Hube, 5 T. R. 542.

(5.) Each of several Defendants is liable to the entire Penalty; R. v. Hube, ub. supr.

No. 73.

1 William and Mary, c. 26.—An Act to vest in the two Universities the Presentations of Benefices belonging to Papists.

[Inserted Pt. I. Cl. II. No. 14.]

No. 74.

7 and 8 William III. c. 24.—An Act requiring the Practisers of Law to take the Oaths, and subscribe the Declaration therein mentioned.

No. 74. 7 and 8 William III. c. 24.

FOR the better Security of his Majesty's Government, and the public Peace of this Kingdom; be it enacted by the King's most Excellent Majesty, by and with the Advice and

No. 74. 7 and 8 William III. c. 24. Persons practising Law not taking the Oaths by 1 W & M sess. 1. c. 8 to incur the Penalties of Premunire, 16 R. 2. c. 5.

Consent of the Lords Spiritual and Temporal, and Commons, in this Parliament assembled, and by the Authority of the same, That if any Person at any Time after the five and twentieth Day of *May*, which shall be in the Year of our Lord one thousand six hundred ninety-six, shall act as a Sergeant at Law, Counsellor at Law, Barrister, Advocate, Attorney, Solicitor, Proctor, Clerk or Notary, by practising in any Manner as such in any Court or Courts whatsoever, not having, before the Time of such acting, taken in his Majesty's Court of *Chancery*, or *King's Bench*, or Quarter-Sessions of the County wherein he lives, the Oaths mentioned and appointed to be taken in and by one Act made in the first Year of the Reign of King *William* and Queen *Mary*, intituled, "An Act for the abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths," and made and subscribed the Declaration appointed to be made and subscribed in and by one Act made in the five and twentieth Year of the Reign of King *Charles* the Second, intituled, "An Act for preventing Dangers which may happen from Popish Recusants," such Persons shall incur all the Pains, Penalties, and Forfeitures, mentioned in the Statute of Provision and Premunire, made in the sixteenth Year of the Reign of King *Richard* the Second.

25 Car. 2. c. 2.

No. 75.

P. 7 and 8 William III. c. 27.—An Act for the better Security of his Majesty's Royal Person and Government.

No. 75. 7 and 8 William III c. 27. Persons refusing to take the Oaths by 1 W. & M. sess. 1. c. 18 &c. to have no Vote in Election of Members of Parliament

XIX. AND be it further enacted by the Authority aforesaid, That no Person who shall refuse to take the Oaths directed by an Act made in the first Year of the Reign of his present Majesty, and the late Queen *Mary*, intituled, "An Act for abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths," or being *Quakers*, shall refuse to subscribe the Declaration of Fidelity, directed by one other Act of Parliament made in the said first Year of the Reign of his present Majesty and the late Queen, intituled, "An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of *England*, from the Penalties of certain Laws, (which Oaths and Subscription respectively the Sheriff or Chief Officer taking the Poll at any Election of Members to serve in Parliament, at the Request of any one of the Candidates, are hereby impowered and required to administer) shall be admitted to give any Vote for the Election of any Knight of the Shire, Citizen, Burgess, or Baron of the Cinque-ports, to serve in Parliament.

No. 76.

7 and 8 William III. c. 34.—An Act that the solemn Affirmation and Declaration of the People called *Quakers*, shall be accepted instead of an Oath in the usual Form.

No. 77.

9 and 10 William III. c. 32.—An Act for the more effectual suppressing Blasphemy and Profaneness.*

No. 77. 9 and 10 William III. c. 32.

'WHEREAS many Persons have of late Years openly 'avowed and published many blasphemous and im-'pious Opinions, contrary to the Doctrines and Principles of 'the Christian Religion, greatly tending to the Dishonour of 'Almighty God, and may prove destructive to the Peace and 'Welfare of this Kingdom:' Wherefore, for the more effectual suppressing of the said detestable Crimes, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, having been educated in, or at any Time having made Profession of the Christian Religion within this Realm, shall by Writing, Printing, Teaching, or advised Speaking, deny any one of the Persons in the Holy Trinity to be God, or shall assert or maintain there are more Gods than One, or shall deny the Christian Religion to be true, or the Holy Scriptures of the Old and New Testament to be of Divine Authority, and shall, upon Indictment or Information in any of his Majesty's Courts at *Westminster*, or at the Assizes, be thereof lawfully convicted by the Oath of two or more credible Witnesses; such Person or Persons for the first Offence shall be adjudged incapable and disabled in Law, to all Intents and Purposes whatsoever, to have or enjoy any Office or Offices, Employment or Employments, Ecclesiastical, Civil, or Military, or any Part in them, or any Profit or Advantage appertaining to them, or any of them: And if any Person or Persons so convicted as aforesaid, shall, at the Time of his or their Conviction, enjoy or possess any Office, Place or Employment, such Office, Place, or Employment shall be void, and is hereby declared void: And if such Person or Persons shall be a second Time lawfully convicted as aforesaid, of all or any the aforesaid Crime or Crimes, that then he or they shall from thenceforth be disabled to sue, prosecute, plead, or use any Action or Information in any Court of Law or Equity, or to be Guardian of any Child, or Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, or to bear any Office, Civil or Military, or Benefice Ecclesiastical for ever within this Realm, and shall also suffer Imprisonment for the Space of three Years, without Bail or Mainprize, from the Time of such Conviction.

Persons denying the Trinity, &c. being convicted thereof, disabled to hold any Office, &c.

Further Disabilities if a second Time convicted thereof.

II. Provided always, and be it enacted by the Authority aforesaid, That no Person shall be prosecuted by virtue of this Act, for any Words spoken, unless the Information of such Words shall be given upon Oath before one or more Justice or Justices of the Peace, within four Days after such Words

Limitation of Prosecutions

* In part repealed by Stat 53 Geo. III. c. 160, post.

No. 77. 9 and 10 William III. c. 32.

spoken, and the Prosecution of such Offence be within three Months after such Information.

Offenders on renouncing their Opinions, in 4 Months after Conviction, shall be discharged from Penalty, &c.

III. Provided also, and be it enacted by the Authority aforesaid, That any Person or Persons, convicted of all or any of the aforesaid Crime or Crimes, in Manner aforesaid, shall, for the first Offence, (upon his, her, or their Acknowledgment and Renunciation of such Offence or erroneous Opinions, in the same Court where such Person or Persons was or were convicted as aforesaid, within the Space of four Months after his, her, or their Conviction), be discharged from all Penalties and Disabilities incurred by such Conviction; any Thing in this Act contained to the contrary thereof in any wise notwithstanding.

No. 78.

11 and 12 William III. c. 4. — An Act for the further preventing the growth of Popery.

No. 79.

Anne, c. 2. — An Act for preserving the Protestant Religion, by better securing the Church of *England*, as by Law established; and for confirming the Toleration granted to Protestant Dissenters by an Act, intituled, "An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of *England*, from the Penalties of certain Laws," and for supplying the Defects thereof; and for the further securing the Protestant Succession, by requiring the Practisers of the Law in *North Britain* to take the Oaths, and subscribe the Declaration therein mentioned.

No. 79. 10 Anne, c. 2.

13 Car. 2. st. 2. c. 1.

25 Car. 2. c. 2.

This Act repealed to the seventh Section, by 5 Geo. 1. c. 4. § 1.

'WHEREAS an Act was made in the thirteenth Year of 'the Reign of King *Charles* the Second, intituled, '"An Act for the well governing and regulating of Corporations;" and another Act was made in the five and twentieth Year of the Reign of the said late King *Charles* the 'Second, intituled, "An Act for the preventing Dangers 'which may happen from Popish Recusants;" both which 'Acts were made for the Security of the Church of *England*, 'as by Law established: Now for the better securing the said 'Church, and quieting the Minds of her Majesty's Protestant 'Subjects dissenting from the Church of *England*, and rendring 'them secure in the Exercise of their Religious Worship, as 'also for the further strengthening the Provision already made

'for the Security of the Succession to the Crown in the House 'of *Hanover*; Be it enacted, &c. No. 79. 10 Anne, c. 2.

"After 25 *March* 1712. If any Officer, Civil or Military, "&c. who receives any Salary, &c. or if any Magistrate of a "Corporation, &c. who by the Acts of 13 and 25 Car. 2. are "obliged to receive the Sacrament, shall after their Admission "into their Office, and during their Office, and during their "Continuance in it, be present at any Conventicle, &c. such "Person shall forfeit 40*l.* to be recovered by the Prosecu-"tor. Every Person so convicted, shall be disabled to hold his "Office, &c. and incapable of any Imployment in *England*, "&c. Person, after Conviction, conforming to the Church "of *England*, for one Year, &c. shall be capable of the Grant "of any Office. Every such Person to make Oath the next "Term after Admission into any Office, or at the Quarter-"Session, &c. that he hath conformed, &c. Oath to be made "of the Offence within ten Days, and Prosecution within "three Months, &c. This Act shall not vacate any Office of "Inheritance, so as a sufficient Deputy be appointed to exe-"cute it. REP."(1.)

VII. And it is hereby further enacted and declared by the Authority aforesaid, That the Toleration granted to the Protestant Dissenters, by the Act made in the first Year of the Reign of King *William* and Queen *Mary*, intituled, "An Act for exempting their Majesties' Protestant Subjects, dissenting

The Toleration granted to Protestant Dissenters by 1 W. & M. st. 1. c. 18. confirmed.

(1.) The repressing occasional Conformity, as provided for by the repealed Sections of this Act, was the Subject of very considerable Controversy during the whole Reign of Queen Anne. A Bill for the Purpose was brought in in the first Year of the Reign. With reference to the Bill and a Conference upon it between the Houses, some Arguments had been advanced in the Case of Harrison and Evans—upon which Lord Chief Justice Wilmot observed, that both the Bill and the Conference proceeded from a factious Party Spirit in both Houses, where Questions were started and tossed about from one Side to the other without considering the Relevancy of them, but only how far they could annoy and perplex one another.—Reports, 159.

A similar Bill passed the Commons in 1705, but was rejected by the Lords, upon a Debate which the Queen went to hear.

The Statute 10 Anne passed both Houses without Opposition; and in those Days, "Great Reflections were made on the Fate of this Bill which had formerly been so much contested, and was so often rejected by the Lords, and now went through both Houses in so silent a Manner, without the least Opposition. Some of the Dissenters complained much that they were thus forsaken by their Friends, to whom they had trusted, and the Court had Agents among them to inflame their Resentments, since they were sacrificed by those on whom they depended. All the Excuse that the Whigs made for their Easiness in the Matter was, that they gave way to it, to try how far the yielding it might go towards quieting the Fears of those who seemed to think the Church was still in Danger till that Act passed; and thereby to engage these to concur with them in those important Matters that might come before them. It must be left to Time to shew what good Effect this Act may have on the Church, or what bad ones it may have on Dissenters." (2 Burnet, 586.) The Statute 5 George I. c. 4. which repealed these Provisions, contains the Enactment against any Mayor or other Magistrate attending any Meeting, other than of the Established Church, in the Gown or other peculiar Habit, or attended with the Ensigns of Office;—and the Act has therefore been already inserted under the Title *Corporation*.

No. 79. 10 Anne, c. 2.

from the Church of *England*, from the Penalties of certain Laws," shall be and is hereby ratified and confirmed, and that the same Act shall at all Times be inviolably observed for the exempting of such Protestant Dissenters as are thereby intended, from the Pains and Penalties therein mentioned.

If any Dissenter, (not in Holy Orders, &c.) who would have been entitled to the Benefit of that Act, &c. shall be prosecuted, and shall, during such Prosecution take the Oaths, &c. he shall be entitled to the Benefit of the said Act.

'VIII. And for the rendring the said last-mentioned Act 'more effectual, according to the true Intent and Meaning 'thereof;' Be it further enacted and declared by the Authority aforesaid, That if any Person dissenting from the Church of *England*, (not in Holy Orders, or pretended Holy Orders, or pretending to Holy Orders, nor any Preacher or Teacher of any Congregation) who should have been intitled to the Benefit of the said last-mentioned Act, if such Person had duly taken, made, and subscribed the Oaths and Declaration, or otherwise qualified him or herself, as required by the said Act, and now is or shall be prosecuted upon or by virtue of any of the penal Statutes, from which Protestant Dissenters are exempted by the said Act, shall at any Time during such Prosecution, take, make, and subscribe the said Oaths and Declaration, or being of the People called *Quakers*, shall make and subscribe the aforesaid Declaration, and also the Declaration of Fidelity, and subscribe the Profession of their Christian Belief, according to the said Act, or before any two of her Majesty's Justices of the Peace, (who are hereby required to take and return the same to the next Quarter-Sessions of the Peace, to be there recorded) such Person shall be, and is hereby entitled to the Benefit of the said Act, as fully and effectually as if such Person had duly qualified himself within the Time prescribed by the said Act, and shall be thenceforth exempted and discharged from all the Penalties and Forfeitures incurred by Force of any the aforesaid penal Statutes.

'IX. And whereas it is or may be doubted whether a 'Preacher or Teacher of any Congregation of dissenting Pro'testants, duly in all respects qualified according to the said 'Act, be allowed, by virtue of the said Act, to officiate in any 'Congregation in any County, other than that in which he so 'qualified himself, although in a Congregation or Place of 'Meeting duly certified and registred as is required by the said 'Act;' Be it declared and enacted by the Authority aforesaid,

A Dissenting Teacher, qualified according to the said Act, may officiate in any other County than where he was qualified.

That any such Preacher or Teacher, so duly qualified according to the said Act, shall be and is hereby allowed to officiate in any Congregation, although the same be not in the County wherein he was so qualified; provided that the said Congregation or Place of Meeting hath been, before such officiating, duly certified and registred or recorded according to the said Act: And such Preacher or Teacher shall, if required, produce a Certificate of his having so qualified himself, under the Hand of the Clerk of the Peace for the County or Place where he so qualified himself, which Certificate such Clerk of the Peace is hereby required to make; and shall also before any Justice of the Peace of such County or Place where he shall so

officiate, make, and subscribe such Declaration, and take such Oaths as are mentioned in the said Act, if thereunto required. No. 79. 10 Anne, c. 7.

X. And be it further enacted by the Authority aforesaid, That on or before the fifteenth Day of *June* next, all Advocates, Writers to the Signet, Notaries Publick, and other Members of the College of Justice, within that Part of her Majesty's Kingdom of *Great Britain* called *Scotland*, shall be and are hereby obliged to take and subscribe the Oath appointed by the Act of the sixth Year of her Majesty's Reign, intituled, "An Act for the better Security of her Majesty's Person and Government, before the Lords of Session of the aforesaid Part of her Majesty's Kingdom: except such of the said Persons who have already taken the same: And if any of the Persons aforesaid do or shall neglect or refuse to take and subscribe the said Oath, as aforesaid, such Person shall be *ipso facto* adjudged incapable, and disabled in Law to have, enjoy, or exercise in any Manner his said Employment or Practice.

All Advocates, &c. in Scotland, shall take the Oath appointed by 6 Anne, c. 14.

Farther Provisions relating hereto, 10 Anne, c. 32, § 2.

Refusing, &c. shall be judged uncapable to exercise his Employment.

XI. And be it further enacted by the Authority aforesaid, That in all Time coming no Person or Persons shall be admitted to the Employment of Advocate, Writer to the Signet, Notary Publick, or any Office belonging to the said College of Justice, until he or they have taken and subscribed the aforesaid Oath, in Manner as is above directed.

None shall be admitted to the Employment of Advocate &c. till he hath taken the said Oath.

No. 80.

1 George I. stat. 2. c. 55.—An Act to oblige Papists to register their Names and Real Estates.

No 81.

3 George I. c. 18.—An Act for explaining an Act passed the last Session of Parliament, intituled, "An Act to oblige Papists to register their Names and real Estates;" and for enlarging the Time of such registring; and for securing Purchases made by Protestants.

No. 82.

5 George I. c. 4.—An Act for strengthening the Protestant Interest in these Kingdoms.

[Inserted Part I, Cl. V, No. 7.]

No. 83.

5 George I. c. 6. — An Act for quieting and establishing Corporations.

[Inserted Part I Class V. No 8.]

No. 84.

8 George I. c. 6.—An Act for granting the People called *Quakers*, such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under.

No. 85.

9 George I. c. 18. — An Act for granting an Aid to his Majesty by laying a Tax upon Papists, and for making such other Persons, as upon due Summons shall refuse or neglect to take the Oaths therein mentioned, to contribute towards the said Tax, for reimbursing to the Public part of the great Expences occasioned by the late Conspiracies; and for discharging the Estates of Papists from the two third Parts of the Rents and Profits thereof for one Year, and all Arrears of the same, and from such Forfeitures as are therein more particularly described.*

* This is the latest Provision of a penal or restrictive Nature in respect of religious Opinions. The subsequent Provisions are (with the Exception of the Repeal of the Jew Bill) entirely Measures of Relaxation.

No. 86.

26 George II. c. 26.—An Act to permit Persons professing the *Jewish* Religion to be naturalized by Parliament; and for other Purposes therein mentioned. REP. by 27 Geo. 2. c. 1.

No. 87.

27 George II. c. 1.—An Act to repeal an Act of the twenty-sixth Year of his Majesty's Reign, intituled, "An Act to permit Persons professing the *Jewish* Religion to be naturalized by Parliament; and for other Purposes therein mentioned.

No. 88.

18 George III. c. 60.—An Act for relieving his Majesty's Subjects professing the Popish Religion from certain Penalties and Disabilities imposed on them by an Act made in the eleventh and twelfth Years of the Reign of King *William* the Third, intituled, "An Act for the further preventing the Growth of Popery."*

No. 88. 18 George III. c. 60.

'WHEREAS it is expedient to repeal certain Provisions 'in an Act of the eleventh and twelfth Years of the 'Reign of King *William* the Third, intituled, "An Act for 'the further preventing the Growth of Popery," whereby cer- 'tain Penalties and Disabilities are imposed on Persons profes- 'sing the Popish Religion:' may it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as relates to the apprehending, taking, or prosecuting, of Popish Bishops, Priests, or Jesuits; and also so much of the said Act as subjects Popish Bishops, Priests, or Jesuits, and Papists, or Persons professing the Popish Religion, and keeping School, or taking upon themselves the Education or Government or Boarding of Youth, within this Realm, or the Dominions thereto belonging, to perpetual Imprisonment; and also so much of the said Act as disables Persons educated in the Popish Religion or professing the same, under the Circumstances therein mentioned, to inherit or take by Descent, Devise, or Limitation, in Possession, Reversion, or Remainder, any Lands, Tenements, or Hereditaments, within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, and gives to the next of Kin, being a Protestant, a Right to have and enjoy such Lands, Tenements, and Hereditaments; and also so much of the said Act as disables Papists or Persons professing the Popish Religion, to purchase any Manors, Lands, Profits out of Lands, Tenements, Rents, Terms, or Hereditaments, within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, and makes void all and singular Estates, Terms, and other Interests or Profits whatsoever out of Lands, to be made, suffered, or done, from and after the Day therein mentioned, to or for the Use or Behoof of any such Person or Persons, or upon any Trust or Confidence, mediately or immediately, for the Relief of any such Person or Persons; shall be, and the same, and every Clause and Matter and Thing herein-before mentioned, is and are hereby repealed.

11 and 12 Wm. 3. c. 4.

Certain Clauses in the said Act repealed.

II. And be it enacted by the Authority aforesaid, That every Person and Persons having or claiming any Lands,

Persons claiming Lands, &c.

* This is the Act which occasioned the Riots of 1780.

No. 88.
18 George III. c. 60

under Titles not litigated, shall hold the same.

Tenements, or Hereditaments, under Titles not hitherto litigated, though derived from any Descent, Devise, Limitation, or Purchase, shall have, take, hold, and enjoy the same, as if the said Act, or any Thing therein contained, had not been made; any Thing in the said Act contained to the contrary notwithstanding,

III. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to affect any Action or Suit now depending, which shall be prosecuted with Effect, and without Delay.

IV. Provided also, That nothing herein contained shall extend, or be construed to extend, to any Person or Persons but such who shall, within the Space of six Calendar Months after the passing of this Act, or of accruing of his, her, or their Title, being of the Age of twenty-one Years, or who, being under the Age of twenty-one Years, shall, within six Months after he or she shall attain the Age of twenty-one Years, or being of unsound Mind, or in Prison, or beyond the Seas, then within six Months after such Disability removed, take and subscribe an Oath in the Words following:

'I *A. B.* do sincerely promise and swear, That I will be 'faithful and bear true Allegiance to his Majesty King '*George* the Third, and him will defend, to the utmost of my 'Power, against all Conspiracies and Attempts whatever that 'shall be made against his Person, Crown, or Dignity; and 'I will do my utmost Endeavour to disclose and make known 'to his Majesty, his Heirs and Successors, all Treasons and 'traitorous Conspiracies which may be formed against him or 'them; and I do faithfully promise to maintain, support, and 'defend, to the utmost of my Power, the Succession of the 'Crown in his Majesty's Family, against any Person or Per-'sons whatsoever; hereby utterly renouncing and abjuring any 'Obedience or Allegiance unto the Person taking upon him-'self the Stile and Title of *Prince of Wales*, in the Lifetime of 'his Father, and who, since his Death, is said to have assu-'med the Stile and Title of *King of Great Britain*, by the 'Name of *Charles the Third*, and to any other Person claiming 'or pretending a Right to the Crown of these Realms; and I 'do swear, that I do reject and detest, as an unchristian and 'impious Position, That it is lawful to murder or destroy any 'Person or Persons whatsoever, for or under Pretence of their 'being Hereticks; and also that unchristian and impious Prin-'ciple, That no Faith is to be kept with Hereticks: I further 'declare, that it is no Article of my Faith, and that I do re-'nounce, reject, and abjure the Opinion, That Princes ex-'communicated by the Pope and Council, or by any Authority 'of the See of *Rome*, or by any Authority whatsoever, may be 'deposed or murdered by their Subjects, or any Person what-'soever: And I do declare, that I do not believe that the Pope 'of *Rome*, or any other foreign Prince, Prelate, State, or Po-'tentate, hath, or ought to have, any temporal or civil Juris-

diction, Power, Superiority, or Pre-eminence, directly or indirectly, within this Realm. And I do solemnly, in the Presence of God, profess, testify, and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words of this Oath; without any Evasion, Equivocation, or mental Reservation whatever, and without any Dispensation already granted by the Pope, or any Authority of the See of *Rome*, or any Person whatever; and without thinking that I am or can be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, although the Pope, or any other Persons or Authority whatsoever, shall dispense with or annul the same, or declare that it was null or void.'

No. 88. 18 George III. c. 60.

Which it shall be competent to his Majesty's High Court of Chancery, or to any of his Majesty's Courts of Record at *Westminster*, the Courts of Great Sessions within the Principality of *Wales* and County Palatine of *Chester*, the Courts of Chancery or Common Pleas within the Counties Palatine of *Lancaster* and *Durham*, or to any Court of General or Quarter Sessions of the Peace of any County, Riding, Liberty, City, Borough, Town, or Place, in the Kingdom of *England*, or in the Principality of *Wales*, to administer, and they are hereby required to administer the same accordingly: Of the taking and subscribing of which Oaths a Register shall be kept and preserved, in the Manner prescribed by the Laws now in being requiring Oaths from Persons taking Offices or Employments.

Court of Chancery, &c. may administer the Oath.

A Register to be kept, &c.

V. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, to any Popish Bishop, Priest, Jesuit, or Schoolmaster, who shall not have taken and subscribed the above Oath in the above Words before he shall have been apprehended or any Prosecution commenced against him.

Not to extend to any Popish Bishop, &c.

No. 89.

19 George III. c. 44.—An Act for the further Relief of Protestant Dissenting Ministers and Schoolmasters.

'WHEREAS by an Act made in the first Year of the Reign of King *William* and Queen *Mary*, intituled, "An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of *England*, from the Penalties of certain Laws," Persons dissenting from the Church of *England*, in holy Orders, or pretended holy Orders, or pretending to holy Orders, and Preachers or Teachers of any Congregation of Dissenting Protestants, are required, in order to be intitled to certain Exemptions, Benefits, Privileges, and Advantages, to declare their Approbation of, and to subscribe, the Articles of Religion mentioned in the Statute made in the thir-

No. 89. 19 George III. c. 44.

No. 89. 19 George III. c. 44.

'teenth Year of the Reign of Queen *Elizabeth* (except as 'in the said Act, made in the first Year of the Reign of 'King *William* and *Queen Mary,* is excepted): And where-'as many such Persons scruple to declare their Appro-'bation of, and to subscribe, the said Articles not ex-'cepted as aforesaid: For giving Ease to such scrupulous 'Persons in the Exercise of Religion?' may it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person dissenting from the Church of *England,* in holy Orders, or pretended holy Orders, or pretending to holy Orders, being a Preacher or Teacher of any Congregation of dissenting Protestants, who, if he scruple to declare and subscribe as aforesaid, shall take the Oaths, and make and subscribe the Declaration against Popery, required by the said Act, in the first Year of the Reign of King *William* and *Queen Mary,* to be taken, made, and subscribed by Protestant Dissenting Ministers, and shall also make and subscribe a Declaration in the Words following; *videlicet,*

Protestant Dissenting Ministers, who shall take the Oaths and subscribe the Declaration against Popery required by the said Act, and shall also make and subscribe the following Declaration,

'I *A. B.* do solemnly declare, in the Presence of Almighty 'God, that I am a Christian and a Protestant, and as such, 'that I believe that the Scriptures of the Old and New Testa-'ment, as commonly received among Protestant Churches, do 'contain the revealed Will of God; and that I do receive the 'same as the Rule of my Doctrine and Practice.'

Shall be entitled to all the Privileges granted by the Toleration Act, and by 10 Anne for confirming the same, &c.;

shall be, and every such Person is hereby declared to be, entitled to all the Exemptions, Benefits, Privileges, and Advantages, granted to Protestant Dissenting Ministers by the said Act, made in the first Year of the Reign of King *William* and *Queen Mary;* and by an Act, made in the tenth Year of the Reign of *Queen Anne,* intituled, "An Act for preserving the Protestant Religion, by better securing the Church of *England,* as by Law established; and for confirming the Toleration granted to Protestant Dissenters by an Act, intituled, 'An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of *England,* from the Penalties of certain Laws;' and for supplying the Defects thereof; and for the further securing the Protestant Succession, by requiring the Practisers of the Law in *North Britain* to take the Oaths and subscribe the Declaration therein mentioned;" and the Justices of the Peace at the General Session of the Peace to be holden for the County or Place where any Protestant Dissenting Minister shall live, are hereby required to tender and administer the said last-mentioned Declaration to such Minister, upon his offering himself to make and subscribe the same, and thereof to keep a Register; and such Minister shall not give or pay, as a Fee or Reward to any Officer or Officers belonging to the Court aforesaid, above the Sum of sixpence for his or their Entry

No. 89. 19 George III. c. 44.

of such Minister's making and subscribing the said last-mentioned Declaration, and taking the Oaths, and making and subscribing the Declaration against Popery, required by the said Act, made in the first Year of the Reign of King *William* and Queen *Mary*, to be taken, made, and subscribed by Protestant Dissenting Ministers; nor above the Sum of Sixpence for any Certificate thereof, to be made out and signed by the Officer or Officers of the said Court; and every such Person, qualifying himself as aforesaid, shall be exempted from serving in the Militia of this Kingdom; and shall also be exempted from any Imprisonment, or other Punishment, by virtue of an Act, made in the thirteenth and fourteenth Years of the Reign of King *Charles* the Second, intituled, "An Act for the Uniformity of Public Prayers and Administration of Sacraments, and other Rites and Ceremonies; and for establishing the Form of making, ordaining, and consecrating Bishops, Priests, and Deacons, in the Church of *England*," or by an Act made in the fifteenth Year of the same Reign, intituled, "An Act for Relief of such Persons as by Sickness, or other Impediment, were disabled from subscribing the Declaration in the Act of Uniformity, and Explanation of Part of the said Act;" for preaching or officiating in any Congregation of Protestant Dissenters, for the Exercise of Religion permitted and allowed by Law.

and shall be exempted from serving in the Militia, and from any Punishment by virtue of the Act of Uniformity.

II. And be it further enacted by the Authority aforesaid, That no Dissenting Minister, nor any other Protestant dissenting from the Church of *England*, who shall take the aforesaid Oaths, and make and subscribe the above-mentioned Declaration against Popery, and the Declaration herein-before mentioned, shall be prosecuted in any Court whatsoever, for teaching and instructing Youth as a Tutor or Schoolmaster; any Law or Statute to the contrary notwithstanding.

Dissenters allowed to instruct Youth.

III. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to the enabling of any Person dissenting from the Church of *England* to obtain or hold the Mastership of any College or School of Royal Foundation, or of any other endowed College or School for the Education of Youth, unless the same shall have been founded since the first Year of the Reign of their late Majesties King *William* and Queen *Mary*, for the immediate Use and Benefit of Protestant Dissenters.

No Dissenter to hold the Mastership of any College or School of Royal Foundation, &c.

'IV. And whereas it hath been doubted, whether the said 'Act, made in the first Year of the Reign of King *William* 'and Queen *Mary*, be a publick or Private Act;' be it enacted and declared, That the said Act, and also this present Act, shall be adjudged, deemed, and taken to be Publick Acts; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading them, or either of them.

1 W. and M. and this Act, to be deemed Publick Acts.

No. 90.

21 George III. c. 49.—An Act for preventing certain Abuses and Profanations on the Lord's Day, called Sunday.

No. 90. 21 George III. c. 49.

'WHEREAS certain Houses, Rooms, or Places, within the Cities of *London* or *Westminster*, or in the Neighbourhood thereof, have of late frequently been opened for publick Entertainment or Amusement upon the Evening of the Lord's Day, commonly called *Sunday;* and at other Houses, Rooms, or Places, within the said Cities, or in the Neighbourhood thereof, under Pretence of inquiring into religious Doctrines, and explaining Texts of holy Scripture, Debates have frequently been held on the Evening of the Lord's Day, concerning divers Texts of holy Scripture, by Persons unlearned and incompetent to explain the same, to the Corruption of good Morals, and to the great Encouragement of Irreligion and Profaneness;' be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this present Act, any House, Room, or other Place, which shall be opened or used for publick Entertainment or Amusement, or for publickly debating on any Subject whatsoever, upon any Part of the Lord's Day called *Sunday*, and to which Persons shall be admitted by the Payment of Money, or by Tickets sold for Money, shall be deemed a disorderly House or Place; and the Keeper of such House, Room, or Place, shall forfeit the Sum of two hundred Pounds for every Day that such House, Room, or Place, shall be opened or used as aforesaid on the Lord's Day, to such Person as will sue for the same, and be otherwise punishable as the Law directs in Cases of disorderly Houses; and the Person managing or conducting such Entertainment or Amusement on the Lord's Day, or acting as Master of the Ceremonies there, or as Moderator, President, or Chairman, of any such Meeting for publick Debate on the Lord's Day, shall likewise, for every such Offence, forfeit the sum of one hundred Pounds to such Person as will sue for the same; and every Doorkeeper, Servant, or other Person, who shall collect or receive Money or Tickets from Persons assembling at such House, Room, or Place, on the Lord's Day, or who shall deliver out Tickets for admitting Persons to such House, Room, or Place, on the Lord's Day, shall also forfeit the Sum of fifty Pounds to such Person as will sue for the same.

Houses, &c. opened on a Sunday, to which Persons shall be admitted by Payment, &c. shall be deemed a disorderly House, &c.

'II. And whereas, by reason of the many subtile and crafty Contrivances of Persons keeping such Houses, Rooms, or Places as aforesaid, it may often be difficult to prove who is the real Owner or Keeper thereof;' be it enacted by the Authority aforesaid, That any Person who shall at any Time hereafter appear, act, or behave him or herself as Master or

The Person who acts as

No. 90. 21 George III. c. 49.

Mistress, or as the Person having the Care, Government, or Management of any such House, Room, or Place as aforesaid, shall be deemed and taken to be the Keeper thereof, and shall be liable to be sued or prosecuted, and punished as such, notwithstanding he or she be not in fact the real Owner or Keeper thereof: And wherever any such House, Room, or Place, shall belong to or be kept by divers Persons in Partnership, as Joint-owners or Joint-keepers thereof, each and every such Joint-owner or Joint-keeper of such House, Room, or Place, shall be deemed the Keeper thereof, and shall be liable to be sued or prosecuted, and punished as such: And any House, Room, or Place, at which Persons shall be supplied with Tea, Coffee, or any other Refreshments of Eating or Drinking on the Lord's-Day, at any greater Prices than the common and usual Prices at which the like Refreshments are commonly sold upon other Days at such House, Room, or Place, or at Coffee Houses, or other Houses where the same are usually sold, shall be deemed a House, Room, or Place, to which Persons are admitted by the Payment of Money, although Money be not there taken in the Name of, or for Admittance, or at the Time when Persons enter into or depart from such House, Room, or Place; and any House, Room, or Place, which shall be open or used for any publick Entertainment or Amusement, or for public Debate, on the Lord's Day, at the Expence of any Number of Subscribers or Contributors to the carrying on any such Entertainment or Amusement, or Debate, on the Lord's Day, and to which Persons shall be admitted by Tickets, to which the Subscribers or Contributors shall be intitled, shall be deemed a House, Room, or Place, to which Persons are admitted by the Payment of Money, within the Meaning of this Act.

Master or Mistress in any such House shall be deemed the Owner thereof.

All Houses where Refreshments are sold at greater Prices on Sundays than on other Days, &c. liable to the Penalties inflicted by this Act.

'III. And, for the better preventing Persons assembling 'on the Lord's Day for such irreligious Purposes as aforesaid,' be it further enacted by the Authority aforesaid, That any Person advertising, or causing to be advertised, any public Entertainment or Amusement, or any publick Meeting for debating on any Subject whatsoever, on the Lord's Day, to which Persons are to be admitted by the Payment of Money, or by Tickets sold for Money, and any Person printing or publishing any such Advertisement, shall respectively forfeit the Sum of fifty Pounds for every such Offence, to any Person who will sue for the same.

Penalty on advertising, &c.

IV. And be it further enacted by the Authority aforesaid, That any Person intitled to either of the aforesaid Forfeitures, may sue for the same by Action of Debt in any of his Majesty's Courts of Record at *Westminster*, in which it shall be sufficient to declare, that the Defendant is indebted to the Plaintiff in the Sum of [being the Sum demanded by the said Action], being forfeited by an Act made in the twenty-first Year of the Reign of his Majesty King *George* the Third, intituled, "An Act for preventing certain Abuses and

Penalties how to be recovered.

No. 90. 21 George III. c. 49. Profanations on the Lord's Day called *Sunday*;" and the Plaintiff, if he recover in any such Action, shall have his full Costs.

Actions within six Months. V. Provided, That no Action shall be brought for either of the said Penalties by this Act imposed, unless the same be brought within six Calendar Months next after the Offence committed.

VI. Provided also, That if any Action or Suit shall be brought against any Person for any Thing done in pursuance and in Execution of this Act, the Defendant may plead the General Issue. General Issue; and if a Verdict pass for the Defendant, or the Plaintiff discontinue his or her Action, or be nonsuited, or Judgement be given against the Plaintiff, then such Defendant shall have Treble Costs. Treble Costs.

Act not to affect ecclesiastical Jurisdiction; VII. Provided also, That the ecclesiastical Jurisdiction within this Realm shall not by this Act be altered or abridged; but that the ecclesiastical Courts may punish the said Offences, as if this Act had not been made.

nor Toleration Act. VIII. Provided also, That nothing in this Act contained shall be construed to extend to take away, alter, or abridge, any of the Liberties or Immunities to which the Protestant Subjects of this Kingdom are intitled, by an Act made in the first Year of the Reign of King *William* and Queen *Mary*, intituled, " An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of *England*, from the Penalties of certain Laws.

No. 91.

31 George III. c. 32.—An Act to relieve, upon Conditions, and under Restrictions, the Persons therein described, from certain Penalties and Disabilities to which Papists, or Persons professing the Popish Religion, are by Law subject.

No. 91. 31 George III. c. 32. Preamble. 'WHEREAS, by divers Laws now in force, divers Penalties and Disabilities have been imposed on Papists 'or Persons professing the Popish Religion, or holding Communion with the See of *Rome*, and their Children, and certain Principles have been attributed to them which are dangerous to Society and civil Liberty, and which they are 'willing to disclaim: And whereas it is expedient that such 'Persons as shall take the Oath of Allegiance, Abjuration, and 'Declaration hereinafter mentioned, shall be relieved from 'some of the Penalties and Disabilities aforesaid:" May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the twenty-fourth Day of *June* one thousand seven hundred and ninety-one, it shall be lawful for Persons professing the *Roman* Catho-

Roman Catholicks may make the following Declaration and Oath, which are to remain in the Court of Record where made.

lick Religion personally to appear in any of his Majesty's Courts of Chancery, King's Bench, Common Pleas, or Exchequer, at *Westminster*, or in any Court of General Quarter Sessions of and for the County, City, or Place, where such Person shall reside, and there, in open Court, between the Hours of nine in the Morning and two in the Afternoon, take, make, and subscribe the following Declaration and Oath; *videlicet*,

No. 91. 31 George III. c. 32.

Declaration.

"I *A. B.* do hereby declare, That I do profess the *Roman* "Catholick Religion."

Oath

"I *A. B.* do sincerely promise and swear, That I will be "faithful and bear true Allegiance to his Majesty King "George the Third, and him will defend to the utmost of my "Power against all Conspiracies and Attempts whatever "that shall be made against his Person, Crown or Dignity; "and I will do my utmost Endeavour to disclose and make "known to his Majesty, his Heirs and Successors, all Trea-"sons and traitorous Conspiracies which may be formed "against him or them: And I do faithfully promise to main-"tain, support, and defend, to the utmost of my Power, the "Succession of the Crown; which Succession, by an Act, "intituled, "An Act for the further Limitation of the Crown, "and better securing the Rights and Liberties of the Subject," "is, and stands limited to the Princess *Sophia*, Electress and 'Duchess Dowager of *Hanover*, and the Heirs of her Body, 'being Protestants; hereby utterly renouncing and abjuring 'any Obedience or Allegiance unto any other Person claiming 'or pretending a Right to the Crown of these Realms: And I 'do swear, That I do reject and detest, as an unchristian and 'impious Position, that it is lawful to murder or destroy any 'Person or Persons whatsoever, for or under Pretence of their 'being Hereticks or Infidels; and also that unchristian and 'impious Principle, that Faith is not to be kept with Hereticks 'or Infidels; And I further declare, That it is not an Article "of my Faith, and that I do renounce, reject and abjure the "the Opinion, that Princes excommunicated by the Pope and 'Council, or any Authority of the See of *Rome*, or by any Authority whatsoever, may be deposed or murdered by their Subjects, or any Person whatsoever: And I do promise, that I will not hold, maintain, or abet any such Opinion, or any other Opinions contrary to what is expressed in this Declaration: And I do declare, That I do not believe, that the Pope of *Rome*, or any other foreign Prince, Prelate, State, or Potentate, hath, or ought to have any temporal or civil Jurisdiction, Power, Superiority, or Pre-eminence, directly or indirectly, within this Realm: And I do solemnly, in the Presence of God, profess, testify, and declare, that I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words of this Oath, without any Evasion, Equivocation, or mental Reservation whatever; and without any Dispensation already granted by the Pope, or

No. 91. 31 George III. c. 32.

"any Authority of the See of *Rome*, or any Person whatever; "and without thinking that I am or can be acquitted before "God or Man, or absolved of this Declaration, or any Part "thereof, although the Pope or any other Person or Authority "whatsoever shall dispense with or annul the same, or declare "that it was null or void. So help me God."

Which said Declaration and Oath shall be subscribed by the Person taking and making the same with the Name at Length, if such Person can write, or with his Mark, the Name being written by the Officer, where such Person cannot write, such Person or such Officer, as the Case may be, adding the Title, Addition and Place of Abode, of such Person, and shall remain in such Court of Record: And the proper Officer of such Court respectively, with whom the Custody of such Record shall remain, shall make, subscribe, and deliver a Certificate of such Declaration and Oath having been duly made, taken, and subscribed, to the Person who shall have so made, taken, and subscribed the same, if the same shall be demanded, immediately, for which Certificate there shall be paid no greater Fee or Reward than two Shillings; and such Certificate, upon Proof of the Certifier's Hand, and that he acted as such Officer, shall be competent and sufficient Evidence of such Persons having duly made, taken, and subscribed such Declaration and Oath, unless the same shall be falsified.

Officer of the Court to deliver Certificates of the Declaration and Oath having been made, which shall be sufficient Evidence.

Lists of the Persons who shall have taken the Oath to be transmitted to the Clerk of the Privy Council annually.

II. And be it further enacted, That the said Officer with whom such Records are kept as aforesaid shall, yearly, on or before the twenty-fifth Day of *December*, transmit to the Clerk of his Majesty's most honourable Privy Council, Lists of the Persons, with their Titles, Additions, and Places of Abode, who shall have made and subscribed such Declaration and Oath in the preceding Year.

1 Eliz. c. 2.; 23 Eliz. c. 1.; 29 Eliz. c. 6.; 35 Eliz. c. 2.; 2 (vulgo 1) Jac. 1. c. 4.;

'III. And whereas, by an Act passed in the first Year of 'the Reign of her late Majesty Queen *Elizabeth*, intituled, "An Act for the Uniformity of Common Prayer and Service 'of the Church, and Administration of the Sacraments;" 'and by several other Acts, namely, an Act passed in the 'twenty-third Year of the Reign of her said late Majesty, intituled, "An Act to retain the Queen's Majesty's Subjects in 'their due Obedience;" an Act passed in the twenty-ninth 'Year of the Reign of her said late Majesty, intituled, "An 'Act for the more speedy and due Execution of certain Branches of the Statute made in the twenty-third Year of the 'Queen's Majesty's Reign, intituled, 'An Act to retain the 'Queen's Majesty's Subjects in their due Obedience;'" an 'Act passed in the thirty-fifth Year of the Reign of her said 'late Majesty, intituled, "An Act for restraining of Popish "Recusants to some certain Places of Abode;" an Act passed 'in the second, or, as it is commonly called, in the first Year of 'the Reign of his late Majesty King *James* the First, intituled, '"An Act for the due Execution of the Statutes against Jesuits,

'Seminary Priests, Recusants, &c.;" an Act passed in the third Year of the Reign of his said late Majesty King *James* the First, intituled, "An Act for the better discovering and repressing Popish Recusants;" an Act passed in the said third Year of his said late Majesty King *James* the First, intituled, "An Act to prevent and avoid Dangers which may grow by Popish Recusants;" and an Act passed in the seventh Year of the Reign of his said late Majesty King *James* the First, intituled, "An Act for administering the Oath of Allegiance and Reformation in married Women, Recusants;" all Persons are required to resort to their Parish Church or Chapel, or some usual Place where the Common Prayer shall be used, upon Pain of incurring the Punishments and Disabilities in the said Acts respectively mentioned; and also are liable to Prosecution and Penalties for keeping or having in their Houses any Servant or other Person not so resorting:' Now be it further enacted, That from and after the said twenty-fourth Day of *June* one thousand seven hundred and ninety-one, no Person professing the *Roman* Catholick Religion, who shall take and subscribe the Oath herein-before appointed to be taken and subscribed, shall be convicted or prosecuted upon, or shall be liable to be prosecuted upon, the said last recited Statutes, or any of them, or upon any other Statute, or any other Law of this Realm, by Indictment, Information, Action of Debt or otherwise, or shall be prosecuted in any Ecclesiastical Court, for not resorting or repairing to his or her Parish Church or Chapel, or some other usual Place of Common Prayer, to hear Divine Service, and join in public Worship according to the Forms and Rites of the Church of *England*, as by Law established, or for keeping or having any Servant or other Person, being a Papist, or reputed Papist, or Person professing the Popish Religion, who shall not so resort or repair to his or her Parish Church or Chapel, or some such other usual Place of Common Prayer as aforesaid.

No. 91. 31 George III. c. 32. 3 Jac. 1. c. 4; 3 Jac. 1. c. 5; and 7 Jac. 1. c. 6. recited.

No Roman Catholick who shall have taken the Oath appointed, to be prosecuted for not resorting to some Parish Church, &c.

'IV. And whereas, by several Acts, namely, the said Act passed in the twenty-third Year of the Reign of her said late Majesty Queen *Elizabeth*; an Act passed in the twenty-seventh Year of the Reign of her said late Majesty, intituled, "An Act against Jesuits, Seminary Priests, and other such like disobedient Persons;" the said Act passed in the thirty-fifth Year of the Reign of her said late Majesty Queen *Elizabeth*; the said Act passed in the first Year of the Reign of his said late Majesty King *James* the First; the said second mentioned Act, passed in the third Year of the Reign of his said late Majesty King *James* the First; an Act passed in the third Year of the Reign of his late Majesty King *Charles* the First, intituled, "An Act to restrain the passing of any to be popishly bred beyond the Seas;" and an Act passed in the twenty-fifth Year of the Reign of his late Majesty King *Charles* the Second, intituled, "An Act for preventing Dangers which may happen from Popish Recusants;" Papists, reputed Papists, Persons professing or educated in the Popish

23 Eliz. c. 1.; 27 Eliz. c. 2.; 35 Eliz. c. 2.; 2 (vulgo 1) Jac. 1. c. 4.; 3 Jac. 1. c. 5.; 3 Car. 1. c. 2. and 25 Car. 2. c. 2. recited.

No. 91.
31 George III. c. 32.

'Religion, Popish Recusants, Popish Recusants Convict, Persons reconciled to or holding Communion with the See of '*Rome*, Popish Bishops, Priests, or Deacons, Persons entering or belonging to any Ecclesiastical Order or Community 'of the Church of *Rome*, Persons hearing or saying Mass, or 'being present at, or conforming to, or performing or observing any Rite, Ceremony, Practice, or Observance of 'the Church of *Rome*, or maintaining or assisting others therein, are made subject to the Punishments, Penalties, and Disabilities therein mentioned:' Now be it further enacted, That, from and after the said twenty-fourth Day of *June*, one thousand seven hundred and ninety-one, no Person who shall take and subscribe the Oath herein-before appointed to be taken and subscribed in Manner hereby required, shall be presented, indicted, sued, impeached, prosecuted, or convicted, in any Civil or Ecclesiastical Court of this Realm, for being a Papist, or reputed Papist, or for professing or being educated in the Popish Religion, or for hearing or saying Mass, or for being a Priest or Deacon, or entering or belonging to any Ecclesiastical Order or Community of the Church of *Rome*, or for being present at, or performing or observing any Rite, Ceremony, Practice or Observance of the Popish Religion, or maintaining or assisting others therein.

No Person who shall have taken the appointed Oath prosecutable for being a Papist, &c.

No Assembly for religious Worship allowed under this Act, till it shall be certified to the Quarter Sessions &c.;

V. Provided always, and be it further enacted, That no Place of Congregation, or Assembly for religious Worship, shall be permitted or allowed by this Act, until the Place of such Meeting shall be certified to the Justices of the Peace, at the General or Quarter Sessions of the Peace for the County, City, or Place in which such Meeting shall be held, and until the Place of such Meeting shall be recorded at the said General or Quarter Sessions; the Clerk of the Peace whereof is hereby required to record the same, and to give a Certificate thereof to such Person as shall demand the same, for which there shall be no greater Fee or Reward taken than the sum of six Pence; and that no Person in holy Orders, or pretended holy Orders, whether as Priest, or as a Minister of any other higher Rank or Order, shall perform any ecclesiastical Function, or otherwise officiate in any such Place of Meeting, until his Name, and his Description, as a Priest or Minister, shall have been recorded at the Quarter or other General Session of the Peace for the County, or other Division or Place, in which such Place of Meeting shall be situate, by the Clerk of the Peace of the said Court; who is hereby required to record such Name and Description accordingly, upon Demand by such Person, and upon Payment of six Pence as a Fee or Reward, and shall give a Certificate thereof to such Person as shall from Time to Time demand the same, for which Certificate no greater Fee or Reward shall be taken than two Shillings; and no Priest or Minister of any Rank, in holy Orders, or pretended holy orders, who shall officiate in any such Place of Meeting, not so recorded as aforesaid, shall be

nor any Person to perform any ecclesiastical Function therein, until his Name, &c. be recorded by the Clerk of the Peace.

deemed to be within the Benefit of this Act, for any Purpose whatsoever.

No. 91. 31 George III. c. 32.

VI. Provided always, and be it further enacted, That if any Assembly of Persons professing the *Roman* Catholick Religion shall be had in any Place for religious Worship, with the Doors locked, barred, or bolted during any Time of such Meeting together, all and every Person and Persons, who shall come to or be at such Meeting, shall not receive any Benefit from this Law; but, notwithstanding having taken the aforesaid Oath of Allegiance, Abjuration, and Declaration, shall, from the time of Conviction, be liable to the same Pains and Penalties, for such their Meeting, as if this Act had not been made.

No such Place of Assembly to be locked during the Meeting.

VII. And be it further enacted, that if any Person professing the *Roman* Catholick Religion shall hereafter be chosen or otherwise appointed to bear the Office of High Constable or Petty Constable, Churchwarden, Overseer of the Poor, or any other Parochial or Ward Office, and such Person shall scruple to take upon him any of the said Offices, in regard of the Oaths or any other Matter or Thing required by the Law to be taken or done in respect of such Office, every such Person shall and may execute such Office or Employment by a sufficient Deputy by him to be provided, that shall comply with the Laws in this Behalf; but the said Deputy shall be allowed and approved by such Person or Persons, in such Manner as such Officer or Officers respectively should by Law have been allowed and approved.

Roman Catholicks may execute the Office of Constable, &c. by Deputy.

VIII. And be it further enacted, That every Priest, or other Person in holy Orders, or pretended holy Orders, being a Minister, Teacher, or Preacher of any Congregation of Persons professing the *Roman* Catholick Religion, who shall take and subscribe the aforesaid Oath of Allegiance, Abjuration, and Declaration, in Manner herein-before prescribed, shall from thenceforth be exempted from serving upon any Jury, or from being chosen or appointed to bear the Office of Churchwarden, Overseer of the Poor, or any other Parochial or Ward Office, or other Office, in any Hundred of any Shire, City, Town, Parish, Division, or Wapentake.

Ministers of any Roman Catholick Congregation who shall take the aforesaid Oath, exempted from serving on Juries, &c.

IX. Provided always, and be it further enacted, That all the Laws made and provided for the frequenting of divine Service on the Lord's Day, commonly called *Sunday*, shall be still in force, and executed against all Persons who shall offend against the said Laws, unless such Persons shall come to some Congregation or Assembly of religious Worship permitted by this Act, or by an Act passed in the first Year of the Reign of King *William* and Queen *Mary*, intituled, "An Act for exempting their Majesties' Protestant Subjects, dissenting from the Church of *England*, from the Penalties of certain Laws."

Laws for frequenting of divine Service to continue in force.

X. And be it further enacted, That if any Person or Persons do and shall, willingly and of purpose, maliciously or contemptuously come into any Place of Congregation, or Assembly of religious Worship, permitted by this Act, and dis-

Penalty on Persons disturbing Congregations, or misusing Priests.

No. 91. 31 George III. c. 32.

quiet or disturb the same, or misuse any Priest, Minister, Preacher, or Teacher therein, such Person or Persons, upon Proof thereof before any Justice of the Peace, by two or more sufficient Witnesses, shall find two Sureties of the Peace, to be bound, by Recognizance, in the penal Sum of fifty Pounds, and, in Default of such Sureties, shall be committed to Prison, there to remain till the next General or Quarter Session, and, upon Conviction of the said Offence, at the said General or Quarter Session, shall suffer the Pain and Penalty of twenty Pounds, to the Use of the King's Majesty, his Heirs and Successors.

Act not to extend to Roman Catholick Ecclesiasticks in certain Cases;

XI. Provided always, and be it further enacted, That no Benefit in this Act contained shall extend, or be construed to extend to any *Roman* Catholick Ecclesiastick permitted by this Act, who shall officiate in any Place of Congregation or Assembly for religious Worship permitted by this Act, with a Steeple and Bell, or at any Funeral in any Church or Church-yard, or who shall exercise any of the Rites or Ceremonies of his Religion, or wear the Habits of his Order; save within some Place of Congregation, or Assembly for religious Worship permitted by this Act, or in a private House, where there shall not be more than five Persons assembled, besides those of the Household, or who shall not previously to his so officiating or exercising his Functions as aforesaid have taken and subscribed the Oath of Allegiance, Abjuration, and Declaration hereby appointed to be taken as aforesaid.

nor to exempt Roman Catholicks from paying Tythes, &c.; nor to repeal any Part of 26 Geo. 2. c. 33. &c.

XII. Provided also, and be it further enacted, That nothing herein contained shall be construed to exempt any such Person professing the *Roman* Catholick Religion, from paying Tithes or other Parochial Duties, or any other Duties to the Church or Minister, or from any Prosecution in any Ecclesiastical Court, or elsewhere, for the same; or to repeal any Part of the Act made in the twenty-sixth Year of the Reign of his late Majesty King *George* the Second, intituled, "An Act for the better preventing of clandestine Marriages," or any Parts of any other Statutes concerning Marriages; or to give any Ease, Benefit, or Advantage to any Person who shall, by Preaching, Teaching, or Writing, deny or gainsay the Oath of Allegiance, Abjuration, and Declaration, herein-before mentioned and appointed to be taken as aforesaid, or the Declarations or Doctrines therein contained, or any of them; or to repeal or affect any Law now in Force concerning the Right or Succession to, or the Limitation of, the Crown.

No Roman Catholick who shall take the appointed Oath prosecutable for teaching Youth;

XIII. And be it further enacted, by the Authority aforesaid, That no Ecclesiastick or other Person professing the *Roman* Catholick Religion, who shall take and subscribe the Oath of Allegiance, Abjuration, and Declaration herein-before mentioned and appointed to be taken and subscribed as aforesaid, shall be prosecuted in any Court whatsoever, for teaching and instructing Youth, as a Tutor or Schoolmaster, any Law or Statute to the contrary notwithstanding.

but no Roman Catholick to hold the Mastership of any College or School of Royal Foundation, &c.

XIV. Provided always, That no Person professing the *Roman* Catholick Religion shall obtain or hold the Mastership

of any College or School of Royal Foundation, or of any other endowed College or School for the Education of Youth, or shall keep a School in either of the Universities of *Oxford* and *Cambridge*.

No 91. 31 George III. c. 32.

XV. Provided also, and be it further enacted by the Authority aforesaid, That no School-master professing the *Roman* Catholic Religion shall receive into his School, for Education, the Child of any Protestant Father.

No Roman Catholic School-master to educate in his school any Child of a Protestant Father;

XVI. Provided also, and be it further enacted by the Authority aforesaid, That no Person professing the *Roman* Catholick Religion shall be permitted to keep a School for the Education of Youth, until his or her Name and Description as a *Roman* Catholick School-master or School-mistress shall have been recorded at the Quarter or General Session of the Peace for the County or other Division or Place where such School shall be situated, by the Clerk of the Peace of the said Court, who is hereby required to record such Name and Description accordingly, upon Demand by such Person, and to give a Certificate thereof to such Person as shall at any Time demand the same; and no Person offending in the Premises shall receive any Benefit of this Act.

nor to keep a School until his Name, &c. shall have been recorded by the Clerk of the Peace.

XVII. Provided also, and be it further enacted, That nothing in this Act contained shall make it lawful to found, endow, or establish any religious Order or Society of Persons, bound by monastic or religious Vows, or to found, endow, or establish any School, Academy, or College, by Persons professing the *Roman* Catholick Religion, within these Realms, or the Dominions thereunto belonging; and that all Uses, Trusts, and Dispositions, whether of real or personal Property, which immediately before the said twenty-fourth Day of *June* one thousand seven hundred and ninety-one, shall be deemed to be superstitious or unlawful, shall continue to be so deemed and taken, any Thing in this Act contained notwithstanding.

No religious Order, &c to be founded by Roman Catholics, &c.

'XVIII. And whereas by an Act, made in the first Year 'of the Reign of her late Majesty Queen *Elizabeth*, intituled, '" An Act to restore to the Crown the ancient Jurisdiction over 'the Estate, ecclesiastical and spiritual, and abolishing all 'foreign Powers repugnant to the same," the Persons therein 'mentioned were made compellable to take the Oath therein 'mentioned, commonly called *The Oath of Supremacy:* And 'whereas by an Act made in the third Year of the Reign of 'his late Majesty King *James* the First, intituled, " An Act 'for the better discovering and repressing Popish Recusants," 'another Oath, commonly called *The Oath of Allegiance or* '*Obedience*, was required to be taken by the Persons therein 'mentioned: And whereas by an Act made in the first Session 'of the first Year of the Reign of King *William* and Queen '*Mary*, intituled, " An Act for the abrogating the Oaths of 'Supremacy and Allegiance, and appointing other Oaths," 'the said Oaths, so required by the said Acts of the first of

1 Eliz. c. 1.

3 Jac. 1. c. 4.

1 Gul. & Mar. sess. 1. c. 8.

No. 91. 31 George III. c. 32.

'*Elizabeth* and the third of *James* the First, were abrogated, 'and a new Oath of Allegiance, and a new Oath of Supremacy, were introduced and required to be taken: And 'whereas by an Act made in the second Session of the first 'Year of the Reign of his late Majesty King *George* the First, 'intituled, "An Act for the further Security of his Majesty's 'Person and Government, and the Succession of the Crown 'in the Heirs of the late Princess *Sophia*, being Protestants; 'and for extinguishing the Hopes of the pretended Prince of '*Wales*, and his open and secret Abettors," amongst other 'Oaths thereby appointed to be taken, one is an Oath of 'Supremacy, in the same Words as the Oath of Supremacy 'required by the said recited Act of the first Session of the 'first Year of King *William* and Queen *Mary*: And whereas, 'under the Provisions of the said two last recited Acts, Persons in general are liable to have the Oath of Supremacy 'therein mentioned tendered to them, and are exposed to 'Penalties for not taking such Oath when tendered, as is 'required by the said two last recited Acts respectively: And 'whereas by the said Act passed in the twenty-fifth Year of 'the Reign of his said Majesty King *Charles* the Second, there 'is contained a Declaration, commonly called *The Declaration 'against Transubstantiation*;' be it further enacted, That, from and after the said twenty-fourth Day of *June* one thousand seven hundred and ninety-one, no Person shall be summoned to take the Oath and make the Declaration above mentioned, or be prosecuted for not obeying such Summons.

1 Geo. 1. sess. 2. c. 13.

No Person to be summoned to take the Oath required by 1 Gul. & Mar. sess. 1. c. 8; or the Declaration required by 25 Car. 2. c. 2; nor 1 Gul. and Mar. sess. 1. c. 9. to extend to Roman Catholicks who have taken the appointed Oath.

XIX. And be it also enacted, That from and after the said twenty-fourth day of *June* one thousand seven hundred and ninety-one, the Act passed in the first Year of the Reign of their Majesties King *William* and Queen *Mary*, intituled, "An Act for removing Papists, and reputed Papists, from the Cities of *London* and *Westminster*, shall not extend, or be deemed, taken, or construed to extend, to any Person professing the *Roman* Catholick Religion, who shall take and subscribe the Oath of Allegiance, Abjuration, and Declaration herein-before appointed to be taken and subscribed.

30 Car. 2. stat. 2. Clause 5, recited.

'XX. And whereas by a Clause in an Act passed in the 'thirteenth Year of the Reign of King *Charles* the Second, 'intituled, "An Act for the more effectual preserving the 'King's Person and Government, by disabling Papists from 'sitting in either House of Parliament," it was enacted, That, 'amongst other Persons therein described, every Peer of the 'Realm of *England*, and Member of the House of Peers, 'and every Peer of the Kingdom of *Scotland* or of the Kingdom of *Ireland*, being of the Age of one-and-twenty Years 'or upwards, not having taken the Oaths and Declaration 'therein mentioned, and who should come advisedly into or 'remain in the Presence of the King's Majesty or Queen's 'Majesty, or should come into the Court or House where 'they or any of them reside, as well during the Reign of his 'then Majesty, as during the Reigns of any his royal Succes-

'sors, Kings or Queens of *England*, should incur all the Pains, 'Penalties, Forfeitures, and Disabilities in the said Act mentioned or contained, unless such Peer should, in the next 'Term after such his coming or remaining, take the said Oaths, 'and make and subscribe the said Declaration in his Majesty's 'High Court of Chancery, between the Hours of nine and 'twelve in the Forenoon:' Now be it further enacted, That, from and after the said twenty-fourth Day of *June* one thousand seven hundred and ninety-one, no Peer of *Great Britain* or *Ireland*, or Member of the House of Peers of *Great Britain*, or of the Kingdom of Ireland, professing the *Roman* Catholick Religion, who shall take and subscribe the Oath of Allegiance, Abjuration, and Declaration, herein-before appointed to be taken and subscribed, shall be liable to be prosecuted for such Offence, in the said recited Act of the thirtieth Year of King *Charles* the Second, or be liable to any of the Pains, Penalties, Forfeitures, and Disabilities for Breach of the Provision in the said Clause contained, or be otherwise deemed to fall within, or be affected by, any Part of the said Provision.

No. 91. 31 George III. c. 32.

and no Peer who shall have taken the appointed Oath to be liable to Prosecution under that Act.

'XXI. And whereas by an Act passed in the second 'Session of the first Year of the Reign of his late Majesty King '*George* the First, intituled, "An Act to oblige Papists to 'register their Names and real Estates," all and every such 'Person and Persons as therein are described are, in Default of 'taking, within the Time thereby recited, the several Oaths of 'Allegiance, Supremacy, and Abjuration, required by the said 'Act passed in the first Session of the first Year of the Reign 'of his said late Majesty King *George* the First hereinbefore 'recited, and of repeating and subscribing the Declaration 'against Transubstantiation and Popery, expressed in and 'required by the said Act passed in the second Session of the 'thirtieth Year of the Reign of King *Charles* the Second, required to register their Names, and also their Lands, Tenements, and Hereditaments, in Manner and under the Penalties 'in the said now reciting Statute mentioned and expressed: 'And whereas by an Act, passed in the third Year of the Reign 'of his said Majesty King *George* the First, intituled, "An 'Act for explaining an Act, passed in the last Session of Parliament, intituled 'An Act to oblige Papists to register their 'Names and real Estates;' and for enlarging the Time of 'such registering, and for securing Purchases made by Protestants," and by other subsequent Acts, it is enacted, That 'no Manors, Lands, or any Interest therein, or Rent or Profit 'thereout, shall pass, alter, or change from any Papist or Person 'professing the Popish Religion by any Deed or Will, except 'such Deed within six Months after the Date, and such Will 'within six Months after the Death of the Testator, be inrolled in one of the King's Courts of Record at *Westminster*, or 'within the County wherein the Manors or Lands do lie:' Now be it further enacted, That the said two last recited Acts, passed in the first and third Years of the Reign of his said Majesty King *George* the First, and also such Parts of all other

1 Geo. 1. sess. 2. c. 55. and

3 Geo. 1. c. 18. recited,

and repealed;

No. 91. 31 George III. c. 32. and no Person liable to Prosecution for not having complied therewith.

Acts as require the Registry of the Names and Estates of Persons being Papists, or professing the Popish Religion, or being reputed to be such, shall be, and the same are hereby utterly repealed, abrogated, and made void; and from and after the said twenty-fourth Day of *June* one thousand seven hundred and ninety-one, no Person whatsoever shall be prosecuted, sued, molested, or otherwise affected by reason of not having complied with or conformed to the said hereby repealed Acts and Parts of Acts, or any of them: and all Deeds and Wills shall, from and after the said twenty-fourth Day of *June* one thousand seven hundred and ninety one, be as good and effectual, both at Law and in Equity, and to and for all Intents and Purposes whatsoever, as if the said hereby repealed Acts and Parts of Acts had never been made.

7 and 8 Gul. 3. c. 4; and 1 Geo. 1. st. 2. c. 13. recited; and

'XXII. And whereas by an Act, passed in the seventh and eighth Years of the Reign of King *William* the Third, intituled, "An Act requiring the Practisers of Laws to take the Oaths and subscribe the Declaration therein mentioned;" and an Act, passed in the first Year of the Reign of his Majesty King *George* the First, intituled, "An Act for the further Security of his Majesty's Person and Government, and the Sucession of the Crown in the Heirs of the late Princess *Sophia*, being Protestants; and for extinguishing the Hopes of the pretended Prince of *Wales*, and his open and secret Abettors," all Persons acting as a Counsellor at Law, Barrister, Attorney, Solicitor, Clerk, or Notary, by practising in any Manner as such in any Court or Courts whatsoever, not having, before the Time of such acting, taken the Oaths and Declaration in the said Acts respectively prescribed, are made liable to the Penalties in the same Acts respectively mentioned:' Now, be it further enacted, That the Oaths and Declaration in and by the said last mentioned Acts respectively mentioned and appointed to be taken and subscribed by Persons acting as a Counsellor at Law, Barrister, Attorney, Solicitor, Clerk, or Notary, as in the said Acts respectively is mentioned, shall, from and after the said twenty-fourth Day of *June* one thousand seven hundred and ninety-one, be no longer put or administered to, or required to be taken by, any Person professing the *Roman* Catholick Religion, as a Qualification or Requisite to enable him to act in the Capacities aforesaid, or any of them, but the Oath of Allegiance, Abjuration, and Declaration, herein-before appointed to be taken and subscribed, shall, from and after the said twenty-fourth Day of *June* one thousand seven hundred and ninety-one, be administered, taken, and subscribed to and by Persons professing the *Roman* Catholick Religion, and acting or requiring to act in the Capacities aforesaid, or any of them, in the Stead and Place of the said Oaths and Declaration, and every of them; and in order thereto the Oath of Allegiance, Abjuration, and Declaration, herein-before appointed to be taken and subscribed, may and shall be administered, taken, and subscribed in the same Courts, and may and shall be registered in the

the Oaths and Declaration therein mentioned no longer to be required, but the Oath hereby appointed, to qualify Persons to act as Counsellors, &c.

same Manner, as the Oaths and Declaration in the Room of which it is hereby substituted, are by the Acts so prescribing the same Oaths and Declaration respectively as aforesaid appointed to be administered, taken, subscribed, and registered, and when so taken, subscribed, and registered, shall, for the Purpose of enabling Persons professing the *Roman* Catholick Religion to act in the Capacities aforesaid, or any of them, have the same Effect and Operation, to all Intents, Constructions, and Purposes whatsoever, as the Oaths and Declaration in the Room of which it is hereby substituted.

No. 91. 31 George III. c. 32.

Act not to extend to Scotland.

XXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to that Part of *Great Britain* called *Scotland*.

No. 92.

43 George III. c. 30.—An Act to entitle *Roman* Catholicks taking and subscribing the Declaration and Oath contained in the Act of the thirty-first Year of the Reign of his present Majesty, intituled, "An Act to relieve, upon Conditions and under Restrictions, the Persons therein described from certain Penalties and Disabilities to which Papists, or Persons professing the Popish Religion, are by Law subject," to the Benefits given by an Act of the eighteenth Year of the Reign of his present Majesty, intituled, "An Act for relieving his Majesty's Subjects professing the Popish Religion, from certain Penalties and Disabilities imposed on them by an Act made in the eleventh and twelfth Years of the Reign of King *William* the Third, intituled, 'An Act for the further preventing the Growth of Popery.'"—7th *April* 1803.]

No. 92. 43 George III. c. 30.

Recital of Stat. 11 & 12 Gul. 3. c. 4.

'WHEREAS by an Act made in the eleventh and twelfth 'Years of the Reign of his Majesty King *William* the 'Third, intituled, "An Act for further preventing the Growth 'of Popery;" Persons educated in the Popish Religion, or 'professing the same, under the Circumstances therein men'tioned, were disabled from Inheriting or taking by Descent, 'Devise, or Limitation, in Possession, Reversion, or Remain'der, any Lands, Tenements, or Hereditaments, within the 'Kingdom of *England*, Dominion of *Wales*, and Town of '*Berwick-upon-Tweed*, and Papists or Persons professing the 'Popish Religion were disabled from purchasing any Manors, 'Lands, Profits out of Lands, Tenements, Rents, Terms, or 'Hereditaments, within the Kingdom of *England*, Dominion 'of *Wales*, or Town of *Berwick-upon-Tweed*; and all Estates, 'Terms, and other Interests or Profits whatsoever, out of 'Lands to be made, suffered, or done, to or for the Use or 'Behoof of any such Person or Persons, or upon any Trust or

No. 92. 43 George III. c. 30.

'Confidence mediately or immediately for the Relief of any 'such Person or Persons, were made void, and other Penalties 'and Disabilities were thereby imposed on Persons professing 'the Popish Religion: And whereas by an Act of Parliament, 'made in the eighteenth Year of the Reign of his present 'Majesty, intituled, "An Act for relieving his Majesty's Sub-'jects professing the Popish Religion from certain Penalties 'and Disabilities imposed on them, by an Act made in the 'eleventh and twelfth Years of the Reign of King *William* the 'Third, intituled, 'An Act for the further preventing the 'Growth of Popery;'" the said recited Parts of the said Act 'of the eleventh and twelfth Years of the Reign of King *Wil-'liam* the Third, were repealed in favour of all Persons who 'should take the Oath prescribed by the said Act of the eigh-'teenth Year of the Reign of his present Majesty, in Manner 'therein mentioned: And whereas by an Act of Parliament, 'made in the thirty-first Year of the Reign of his present 'Majesty, intituled, "An Act to relieve, upon Conditions and 'under Restrictions, the Persons therein described from certain 'Penalties and Disabilities, to which Papists or Persons pro-'fessing the Popish Religion are by Law subject," it was 'enacted, that it should be lawful for Persons professing the '*Roman* Catholick Religion, to take, make, and subscribe the 'Declaration and Oath therein expressed and contained at the 'Times, and in the Manner therein mentioned, and the Per-'sons taking, making, and subscribing the same Declaration 'and Oath, were by the said Act relieved from several of the 'Penalties and Disabilities to which Papists or Persons profes-'sing the Popish Religion were then subject; but nothing con-'tained in the said Act of the thirty-first Year of the Reign of 'his present Majesty, relieves the Persons taking, making, 'or subscribing the Declaration and Oath thereby prescribed, 'from the Penalties and Disabilities imposed by the said Act of 'the eleventh and twelfth Years of the Reign of his Majesty 'King *William* the Third, so that to be relieved therefrom, it 'is still necessary that Persons professing the *Roman* Catholick 'Religion should take and subscribe the Oath expressed and 'contained in the said Act of the eighteenth Year of the Reign 'of his present Majesty, which some such Persons have by 'Mistake neglected to do, and therefore still continue subject 'to the said Penalties and Disabilities:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this present Act, the Declaration and Oath expressed and contained in the said Act of the thirty-first Year of the Reign of his present Majesty, shall, as to all Persons who have made, taken, and subscribed the same, or who at any Time or Times hereafter shall make, take, or subscribe the same, in the Manner therein mentioned, give the same Benefits and Advantages,

18 G. 3. c. 60. prescribing a certain Oath to Catholics requiring Relief.

31 G. 3. c. 32 prescribing another Oath and a Declaration.

The latter Oath and Delaration, alone, not at present sufficient to relieve Catholicks.

The Declaration and Oath, contained in the latter Act, shall give the Benefits and operate as the Oath under the 18 G. 3. c. 60.

and be and operate to and for the same Intents and Purposes, as in and by the said Act, of the eighteenth Year of his present Majesty, is enacted, expressed, and declared, of and concerning the Oath thereby prescribed. No. 92. 43 George III c. 30.

No. 93.

52 George III. c. 155.—An Act to repeal certain Acts, and amend other Acts relating to Religious Worship and Assemblies and Persons teaching or preaching therein.—[29*th. July* 1812.]

'WHEREAS it is expedient that certain Acts of Parliament, made in the Reign of his late Majesty King *Charles* the Second, relating to Non-Conformists, and Conventicles, and refusing to take Oaths, should be repealed, and that the Laws relating to certain Congregations and Assemblies for Religious Worship, and Persons teaching, preaching, or officiating therein, and resorting thereto, should be amended;' Be it therefore enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, an Act of Parliament made in the Session of Parliament held in the thirteenth and fourteenth Years of his late Majesty King *Charles* the Second, intituled, "An Act for preventing the Mischiefs and Dangers that may arise by certain Persons called *Quakers*, and others, refusing to take lawful Oaths;" and another Act of Parliament, made in the seventeenth Year of the Reign of his late Majesty King *Charles* the Second, intituled, "An Act for restraining Non-Conformists from inhabiting in Corporations;" and another Act of Parliament, made in the twenty-second Year of the Reign of the late King *Charles* the Second, intituled, "An Act to prevent and suppress seditious Conventicles," shall be and the same are hereby repealed.

No. 93. 52 George III c. 155.

13 & 14 Car. 2. c. 1.

17 Car. 2. c. 2.

22 Car. 2. c. 1.

repealed.

II. And be it further enacted, That, from and after the passing of this Act, no Congregation or Assembly for Religious Worship of Protestants (at which there shall be present more than twenty Persons besides the immediate Family and Servants of the Person in whose House or upon whose Premises such Meeting, Congregation or Assembly shall be had) shall be permitted or allowed, unless and until the Place of such Meeting, if the same shall not have been duly certified and registered under any former Act or Acts of Parliament relating to registering Places of Religious Worship, shall have been or shall be certified to the Bishop of the Diocese, or to the Archdeacon of the Archdeaconry, or to the Justices of the Peace at the General or Quarter Sessions of the Peace for the County, Riding, Division, City, Town or Place in which such Meeting shall be held; and all Places of Meeting which

Places of Religious Worship certified and registered.

No. 93. 52 Geo. III. c. 155. shall be so certified to the Bishops' or Archdeacons' Court, shall be returned by such Court once in each Year to the Quarter Sessions of the County, Riding, Division, City, Town or Place; and all Places of Meeting which shall be so certified to the Quarter Sessions of the Peace shall be also returned once in each Year to the Bishop or Archdeacon; and all such Places shall be registered in the said Bishops' or Archdeacons' Court respectively, and recorded at the said General or Quarter Sessions; the Registrar or Clerk of the Peace whereof respectively is hereby required to register and record the same; and the Bishop or Registrar or Clerk of the Peace to whom any such Place of Meeting shall be certified under this Act shall give a Certificate thereof to such Person or Persons as shall request or demand the same, for which there shall be no greater Fee nor Reward taken than two Shillings and Sixpence; and every Person who shall knowingly permit or suffer any such Congregation or Assembly as aforesaid to meet in any Place occupied by him, until the same shall have been so certified as aforesaid, shall forfeit for every time any such Congregation or Assembly shall meet contrary to the Provisions of this Act, a sum not exceeding twenty Pounds, nor less than twenty Shillings, at the Discretion of the Justices who shall convict for such Offence.

Certificate.

Fee.

Penalty.

III. Provided always, and be it further enacted, That every Person who shall teach or preach in any Congregation or Assembly as aforesaid, in any Place, without the Consent of the Occupier thereof, shall forfeit for every such Offence any Sum not exceeding thirty Pounds, nor less than Forty Shillings, at the Discretion of the Justices who shall convict for such Offence.

Teaching, &c. without Consent of Occupiers.

Penalty.

IV. And be it further enacted, That, from and after the passing of this Act, every Person who shall teach or preach at, or officiate in, or shall resort to any Congregation or Congregations, Assembly or Assemblies for Religious Worship of Protestants, whose Place of Meeting shall be duly certified according to the Provisions of this Act, or any other Act or Acts of Parliament relating to the certifying and registering of Places of Religious Worship, shall be exempt from all such Pains and Penalties under any Act or Acts of Parliament relating to Religious Worship, as any Person who shall have taken the Oaths, and made the Declaration prescribed by or mentioned in an Act, made in the first Year of the Reign of King *William* and Queen *Mary*, intituled, "An Act for exempting their Majesties' Protestant Subjects dissenting from the Church of *England*, from the Penalties of certain Laws," or any Act amending the said Act, is by Law exempt, as fully and effectually as if all such Pains and Penalties, and the several Acts enforcing the same, were recited in this Act, and such Exemptions as aforesaid were severally and separately enacted in relation thereto.

Preachers in and Persons resorting to Religious Assemblies, certified under Act, exempt from Penalties of 1 W. & M. sess. 1. c. 18.

V. Provided always, and be it further enacted, That every Person not having taken the Oaths and subscribed the

Oaths, &c. taken by Preachers, &c.

Declaration hereinafter specified, who shall preach or teach at any Place of Religious Worship certified in pursuance of the Directions of this Act, shall, when thereto required by any one Justice of the Peace, by any Writing under his Hand or signed by him, take and make and subscribe, in the Presence of such Justice of the Peace, the Oaths and Declarations specified and contained in an Act, passed in the nineteenth Year of the Reign of his Majesty King *George* the Third, intituled, " An Act for the further Relief of Protestant Dissenting Ministers and Schoolmasters;" and no such Person who, upon being so required to take such Oaths and make such Declaration as aforesaid, shall refuse to attend the Justice requiring the same, or to take and make and subscribe such Oaths and Declaration as aforesaid, shall be thereafter permitted or allowed to teach or preach in any such Congregation or Assembly for Religious Worship, until he shall have taken such Oaths, and made such Declaration as aforesaid, on Pain of forfeiting, for every time he shall so teach or preach, any Sum not exceeding ten Pounds nor less than ten Shillings, at the Discretion of the Justice convicting for such Offence.

No. 93. 52 George III. c. 155. when required by Magistrate.

19 G. 3. c. 44.

Penalty.

VI Provided always, and be it further enacted, That no Person shall be required by any Justice of the Peace to go to any greater Distance than five Miles from his own Home, or from the Place where he shall be residing at the time of such Requisition, for the purpose of taking such Oaths as aforesaid.

Not compelled to go more than five Miles.

VII. And be it further enacted, That it shall be lawful for any of his Majesty's Protestant Subjects to appear before any one Justice of the Peace, and to produce to such Justice of the Peace a printed or written Copy of the said Oaths and Declaration, and to require such Justice to administer such Oaths and to tender such Declaration to be made, taken and subscribed by such Person; and thereupon it shall be lawful for such Justice, and he is hereby authorized and required to administer such Oaths and to tender such Declaration to the Person requiring to take and make and subscribe the same; and such Person shall take and make and subscribe such Oaths and Declaration in the Presence of such Justice accordingly; and such Justice shall attest the same to be sworn before him, and shall transmit or deliver the same to the Clerk of the Peace for the County, Riding, Division, City, Town or Place for which he shall act as such Justice of the Peace, before or at the next General or Quarter Sessions of the Peace for such County, Riding, Division, City, Town or Place.

Who may require Justice of Peace, &c. to administer Oaths, &c. under Act.

VIII. And be it further enacted, That every Justice of the Peace before whom any Person shall make and take and subscribe such Oaths and Declaration as aforesaid, shall forthwith give to the Person having taken, made and subscribed such Oaths and Declaration, a Certificate thereof under the Hand of such Justice, in the Form following; that is to say,

Justices to give Certificate of Oath.

'I *A B.* one of his Majesty's Justices of the Peace for the 'County, [Riding, Division, City, or Town, or Place, as

No. 93. 52 George III. c. 155.

'*the case may be*] of do hereby certify, That '*C. D.* of, &c. [*describing the Christian and Surname, and* '*Place of Abode of the Party*] did this Day appear before me, 'and did make and take and subscribe the several Oaths and 'Declaration specified in an Act, made in the fifty-second 'Year of the Reign of King *George* the Third, intituled, [*set* '*forth the Title of this Act.*] Witness my Hand this
' Day of one thousand eight hundred
'and

Fee.

And for the making and signing of which Certificate, where the said Oaths and Declaration are taken and made on the Requisition of the Party taking and making the same, such Justice shall be entitled to demand and have a Fee of two Shillings and Sixpence, and no more: And such Certificate shall be conclusive Evidence that the Party named therein has made and taken the Oaths and subscribed the Declaration in manner required by this Act.

Certificate. Evidence.

Teachers taking Oaths, &c. exempt from Offices, and from Militia.

IX. And be it further enacted, That every Person who shall teach or preach in any such Congregation or Assembly, or Congregations or Assemblies as aforesaid, who shall employ himself solely in the Duties of a Teacher or Preacher, and not follow or engage in any Trade or Business, or other Profession, Occupation or Employment, for his Livelihood, except that of a Schoolmaster, and who shall produce a Certificate of some Justice of the Peace, of his having taken and made and subscribed the Oaths and Declaration aforesaid, shall be exempt from the Civil Services and Offices specified in the said recited Act passed in the first Year of King *William* and Queen *Mary*, and from being ballotted to serve and from serving in the Militia or Local Militia of any County, Town, Parish or Place in any Part of the United Kingdom.

Sess. 1. c. 18.

False Certificate.

X. And be it further enacted, That every Person who shall produce any false or untrue Certificate or Paper, as and for a true Certificate of his having made and taken the Oaths and subscribed the Declarations by this Act required for the Purpose of claiming any Exemption from civil or military Duties as aforesaid, under the Provisions of this or any other Act or Acts of Parliament, shall forfeit for every such Offence the Sum of fifty Pounds; which Penalty may be recovered by and to the Use of any Person who will sue for the same by any Action of Debt, Bill, Plaint or Information in any of his Majesty's Courts of Record at *Westminster*, or the Courts of Great Sessions in *Wales*, or the Courts of the Counties Palatine of *Chester*, *Lancaster* and *Durham*, (as the Case shall require); wherein no Essoign, Privilege, Protection or Wager of Law, or more than one Imparlance shall be allowed.

Penalty.

Doors of Religious Assemblies not bolted or barred.

XI. And be it further enacted, That no Meeting, Assembly or Congregation of Persons for religious Worship, shall be had in any Place with the Door locked, bolted or barred, or otherwise fastened, so as to prevent any Persons entering therein during the Time of any such Meeting, Assembly or Congrega-

tion; and the Person teaching or preaching at such Meeting, Assembly or Congregation, shall forfeit for every time any such Meeting, Assembly or Congregation shall be held with the Door locked, bolted, barred or otherwise fastened as aforesaid, any Sum not exceeding twenty Pounds, nor less than forty Shillings, at the Discretion of the Justices convicting for such Offence.

No. 93. 52 George III. c. 155.

Penalty.

XII. And be it further enacted, That if any Person or Persons, at any time after the passing of this Act, do and shall wilfully and maliciously or contemptuously disquiet or disturb any Meeting, Assembly or Congregation of Persons assembled for Religious Worship, permitted or authorized by this Act, or any former Act or Acts of Parliament, or shall in any way disturb, molest or misuse any Preacher, Teacher or Person officiating at such Meeting, Assembly or Congregation, or any Person or Persons there assembled, such Person or Persons so offending, upon Proof thereof before any Justice of the Peace by two or more credible Witnesses, shall find two Sureties to be bound by Recognizances in the penal Sum of fifty Pounds to answer for such Offence, and in default of such Sureties shall be committed to Prison, there to remain till the next General or Quarter Sesssons; and upon Conviction of the said Offence at the said General or Quarter Sessions, shall suffer the Pain and Penalty of Forty Pounds.

Disturbing Religious Assemblies.

Recognizance.

Penalty.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall affect or be construed to affect the Celebration of Divine Service according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, by Ministers of the said Church, in any Place hitherto used for such Purpose, or being now or hereafter duly consecrated or licensed by any Archbishop or Bishop or other Person lawfully authorized to consecrate or license the same, or to affect the Jurisdiction of the Archbishops or Bishops or other Persons exercising lawful Authority in the Church of the United Kingdom over the said Church, according to the Rules and Discipline of the same, and to the Laws and Statutes of the Realm; but such Jurisdiction shall remain and continue as if this Act had not passed.

Proviso for Ecclesiastical Jurisdiction of the Church.

XIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the People usually called *Quakers*, nor to any Meetings or Assemblies for Religious Worship held or convened by such Persons; or in any manner to alter or repeal or affect any Act, other than and except the Acts passed in the Reign of King *Charles* the Second hereinbefore repealed, relating to the People called *Quakers*, or relating to any Assemblies or Meetings for religious Worship held by them.

Act not to extend to Quakers.

XV. And be it further enacted, That every Person guilty of any Offence, for which any pecuniary Penalty or Forfeiture is imposed by this Act, in respect of which no special Provision is made, shall and may be convicted thereof by Information upon the Oath of any one or more credible Witness or

Offenders convicted before two or more Justices.

No. 93.
52 George III. 155

Witnesses before any two or more Justices of the Peace acting in and for the County, Riding, City, or Place wherein such Offence shall be committed; and that all and every the Pecuniary Penalties or Forfeitures which shall be incurred or become payable for any Offence or Offences against this Act, shall and may be levied by Distress under the Hand and Seal or Hands and Seals of two Justices of the Peace for the County, Riding, City, or Place, in which any such Offence or Offences was or were committed, or where the Forfeiture or Forfeitures was or were incurred, and shall when levied be paid one Moiety to the Informer, and the other Moiety to the Poor of the Parish in which the Offence was committed; and in case of no sufficient Distress whereby to levy the Penalties, or any or either of them imposed by this Act, it shall and may be lawful for any such Justices respectively before whom the Offender or Offenders shall be convicted, to commit such Offender to Prison for such time not exceeding three Months, as the said Justices in their Discretion shall think fit.

Forfeitures levied by Distress.

Imprisonment.

Appeal after Conviction to General Quarter Sessions.

XVI. And be it further enacted, That in case any Person or Persons who shall hereafter be convicted of any of the Offences punishable by this Act, shall conceive him, her or themselves to be aggrieved by such Conviction, then and in every such case it shall and may be lawful for such Person or Persons respectively; and he, she or they shall or may appeal to the General or Quarter Sessions of the Peace holden next after such Conviction in and for the County, Riding, City or Place, giving unto the Justices before whom such Conviction shall be made, Notice in Writing within eight Days after any such Conviction, of his, her or their Intention to prefer such Appeal; and the said Justices in their said General or Quarter Sessions shall and may, and they are hereby authorized and empowered to proceed to the Hearing and Determination of the Matter of such Appeal, and to make such Order therein, and to award such Costs to be paid by and to either Party, not exceeding forty Shillings, as they in their Discretion shall think fit.

Limitation of Prosecution.

XVII. And be it further enacted, That no Penalty or Forfeiture shall be recoverable under this Act, unless the same shall be sued for, or the Offence in respect of which the same is imposed is prosecuted before the Justices of the Peace or Quarter Sessions, within six Months after the Offence shall have been committed; and no Person who shall suffer any Imprisonment for Nonpayment of any Penalty shall thereafter be liable to the Payment of such Penalty or Forfeiture.

Limitation of Actions.

XVIII. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, that every such Action or Suit shall be commenced within three Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County wherein the Cause or alleged Cause of Action shall have accrued, and not elsewhere; and the Defendant or Defendants in such Action or Suit may

plead the General Issue, and give this Act and the special Matter in Evidence on any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time so limited for bringing the same, or shall be brought in any other County, City or Place, that then and in such case the Jury shall find for such Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become non-suited, or discontinue his, her or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other cases by Law.

No 93. 52 George III. c. 155. General Issue. Treble Costs.

XIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without specially pleading the same. Public Act.

No. 94.

53 George III. c. 160.—An Act to relieve Persons who impugn the Doctrine of the *Holy Trinity* from certain Penalties.—[21st. *July* 1813.]

'WHEREAS, in the nineteenth Year of his present 'Majesty an Act was passed, intituled " An Act for 'the further Relief of Protestant Dissenting Ministers and 'Schoolmasters;" and it is expedient to enact as hereinafter 'provided;' Be it therefore enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the first Year of the Reign of King *William* and Queen *Mary*, intituled " An Act for exempting His Majesty's Protestant Subjects dissenting from the Church of *England*, from the Penalties of certain Laws," as provides that that Act or any thing therein contained should not extend or be construed to extend to give any Ease, Benefit or Advantage to Persons denying the *Trinity* as therein mentioned, be and the same is hereby repealed.

No. 94. 53 George III. c. 160. 19 G. 3. c. 44. 1 W. and M. sess. 1. c. 18. § 17. repealed.

II. And be it further enacted, That the Provisions of another Act passed in the Ninth and Tenth Years of the Reign of King *William*, intituled " An Act for the more effectual suppressing Blasphemy and Profaneness, so far as the same relate to Persons denying as therein mentioned, respecting the *Holy Trinity*, be and the same are hereby repealed.

9 and 10 W. 3. c. 32. in part repealed.

No. 94.
53 George III. c. 160.

Acts passed in Scotland against Blasphemy repealed.

'III. And whereas it is expedient to repeal an Act, passed in the Parliament of *Scotland* in the first Parliament of 'King *Charles* the Second, intituled "An Act against the 'Crime of Blasphemy;" and another Act, passed in the Parliament of *Scotland* in the first Parliament of King *William*, 'intituled "An Act against Blasphemy;" which Acts respectively ordain the Punishment of Death;' Be it therefore enacted, That the said Acts and each of them shall be, and the same are and is hereby repealed.

Public Act.

IV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

PART V. CLASS II.

TREASON AND OTHER OFFENCES AFFECTING THE STATE.*

* The Statutes relating exclusively to the Coin are in the succeeding Class: the Titles of those whereby Treasons were created in respect of the Roman Catholic Religion have been referred to under Class I. I have thought it desirable to include a Reference to Statutes respecting Treason repealed by the general Operation of 1 Mar. st. 1. c. 1., and also to some of the temporary Statutes of Mary and Elizabeth, on account of their Importance in an historical Point of View. It has not appeared requisite to attempt any Digest, by way of Notes, of the Decisions that have taken place with respect to High Treason, as, where any Occasion occurs for the practical Application of this Branch of the Laws, there is always abundant Opportunity for Preparation, and the Law upon the Subject is fully collected in several Books of established Reputation. But, upon the Doctrine of Constructive Treason, I would strongly recommend the Perusal of the very learned and judicious Observations of Mr Luders, in the first Volume of his Law Tracts; a Work which, for Extent of Information, Accuracy of Judgment, and interesting Discussion, is entitled to a very high Rank in the Estimation of all who may be disposed to direct their Attention to the Study of Jurisprudence as a rational Science. To the following Observations, arising from the Impunity which may frequently take place in consequence of the nice Distinctions between Treason and other Offences of an inferior Nature, I entirely subscribe.

"The present Method of Trial in High Treason sometimes gives an unfair Advantage to the real and most dangerous Criminal. Before the Act of King William, the Advantage was on the Side of the Prosecution; and so tyrannically executed in general, as to have given Occasion to the contrary Extreme in the new Law. This Evil is most likely to occur in the Case of those Popular Commotions out of which the Constructive Treason of levying War is drawn. If those who direct a Prosecution for Treason in such Cases think proper to risk the Benefit of public Justice by so doing, let them take the Consequences; but I would have them allowed a Choice, and the Use of their Discretion. Therefore, if the Fear of Change should operate to prevent any legislative Alteration of the Law of Treason, there seems an easy Course to begin with in the following Measure, which would make the least Change possible, viz.:—Let no Defendant indicted for Felony or Misdemeanour be allowed to object that his Case amounts to a higher Crime. Some State Prosecutions for Treason have been justified by the Argument, that they could not be instituted for less. This Alteration would allow a Discretion to those whom it concerns."—Tracts, Vol. I. p. 134.

No. 1.

25 Edward III. stat. 5. c. 2.—A Declaration which Offences shall be adjudged Treason.

Ex Rot. in Turr. Lond.

No. 1.
25 Edward III.
stat. 5. c. 2.

"ITEM, Whereas divers "Opinions have been before this Time *in what case* "*Treason shall be said, and in* "*what not;*" 'the King, at the 'Request of the Lords and of 'the Commons, hath made 'a Declaration in the Manner 'as hereafter followeth; that 'is to say, When a Man doth 'compass or imagine the Death 'of our Lord the King, or 'of our Lady his Queen, 'or of their eldest Son and 'Heir; or if a Man do 'violate the King's Companion, or the King's eldest 'Daughter unmarried, or the 'Wife of the King's eldest 'Son and Heir; *or if a Man* '*do levy War against our Lord* '*the King in his Realm;* or be 'adherent to the King's Enemies in his Realm, giving to 'them Aid and Comfort, in 'the Realm, or elsewhere, '*and thereof be probably at-* '*tainted of open Deed by the* '*People of their Condition.* 'And if a Man counterfeit the 'King's Great or Privy Seal, 'or his Money; and if a Man 'bring false Money into this 'Realm, counterfeit to the 'Money of *England*, as the 'Money called *Lushburgh*, or 'other like to the said Money 'of *England*, knowing the 'Money to be false, to merchandize or make Payment, 'in Deceit of our said Lord 'the King and of his People; 'and if a Man slea the Chancellor, Treasurer, or the 'King's Justices of the one 'Bench or the other, Justices

AUXINT pur ceo qe diverses opinions ount este einz ces heures qen cas quant il avient doit estre dit treson & en quel cas noun le Roi a la requeste des Seignurs & de la Communalte ad fait declarissement qe ensuit, cest assavoir Quant homme fait compasser ou imaginer la mort nostre Seignur le Roi madame sa compaigne ou de lour fitz primer & heir ou si homme violast la compaigne le Roi ou leisnesce fill le Roi nient marie ou la compaigne leisne fitz & heir du Roi & si homme leve de guerre contre nostre dit Seignur le Roi en son Roialme ou soit aherdant as enemys nostre Seignur le Roi en le Roialme donant a eux eid ou confort en son Roialme ou par aillours & de ceo provablement soit atteint de overt faite par gentz de lour condition. Et si homme contreface les grant ou prive sealx le Roi ou sa monoie & si homme apport faus monoie en ceste Roialme contrefaite a la monoie dEngleterre sicome la monoie appelle Lucynburgh ou autre semblable a la dite monoie dEngleterre sachant la monoie estre faus pur marchander ou paiement faire en deceit nostre dit Seignur le Roi & son poeple et si homme tuast Chanceller Tresorer ou Justice nostre Seignur le Roi del un Baunk ou del autre Justice en Eir & des assises & toutes autres Justices assignez a oier & terminer esteiantz en lours places en fesantz lours offices. Et fait a entendre qen

Ex Rot. in Turr. Lond.

les cases suisnomes doit estre ajugge treson qe sestent a nostre Seignur le Roi & a sa roial majeste & de tiele manere de treson la forfeiture des eschetes appartient a nostre Seignur le Roi sibien des terres & tenemenz tenuz des autres come de lui meismes. Et ovesqe ceo il y ad autre manere de treson cest assavoir quant un servant tue son meistre une femme qe tue son baron quant homme seculer ou de religion tue son Prelat a qi il doit foi & obedience & tiele manere de treson donn forfaiture des eschetes a chescun Seignur de son fee propre. Et pur ceo qe plusurs autres cases de semblable treson purront escheer en temps a venir queux homme ne purra penser ne declarer en present Assentu est qe si autre cas supposee treson qe nest especifie paramount aviegne de novel devant ascunes Justices demoerge la Justices saunz aler au juggement de treson tanqe par devant nostre Seignur le Roi en son parlement soit le cas monstree & desclarre le que ceo doit estre ajugge treson ou autre felonie. Et si par cas ascun homme de cest roialme chivache arme descovert ou secrement od gentz armees contre ascun autre pur lui tuer ou derober ou pur lui prendre & retenir tanqil face fyn ou raunceon pur sa deliverance avoir nest pas lentent du Roi & de son conseil qe en tiel cas soit ajugge treson einz soit ajugge felonie ou trespass solonc la lei de la terre auncienement usee & solonc ceo qe le cas demand. Et si en tieu cas ou autre semblable devant ces heures ascune Justice eit ajugge treson &

'in Eyre, or Justices of Assise, 'and all other Justices assigned 'to hear and determine, being 'in their Places, doing their 'Offices. And it is to be 'understood, that in the Cases 'above rehearsed, that ought 'to be judged Treason which 'extends to our Lord the King, 'and his Royal Majesty: And 'of such Treason the Forfeiture 'of the Escheats pertaineth to 'our Sovereign Lord, as well 'of the Lands and Tenements 'holden of other, as of him-'self. And moreover there is 'another Manner of Treason, 'that is to say, when a Servant 'slayeth his Master, or a Wife 'her Husband, or when a Man 'Secular or Religious slayeth 'his Prelate, to whom he 'oweth Faith and Obedience; 'and of such Treason the 'Escheats ought to pertain to 'every Lord of his own Fee. '*And because that many other 'like Cases of Treason may 'happen in Time to come, which 'a Man cannot think nor declare 'at this present Time; it is 'accorded, That if any other 'Case, supposed Treason, which 'is not above specified, doth 'happen before any Justices, 'the Justices shall tarry without 'any going to Judgement of the 'Treason till the Cause be 'shewed and declared before the 'King and his Parliament, 'whether it ought to be judged 'Treason or other Felony.* And, 'if percase any Man of this 'Realm ride armed covertly 'or secretly, with Men of 'Arms against any other, to 'slay him, or rob him, or take 'him, or retain him till he hath 'made Fine or Ransom for 'to have his Deliverance, it is 'not the Mind of the King nor

No. 1.
25 Edward III. stat. 5. c. 2.

The King shall have the Forfeiture of all the Offender's Lands in High Treason.

Petit Treason.

New Questions of Treasons shall first be deemed in Parliament.

No. 1.
25 Edward III. stat. 5. c. 2.

'his Council, that in such 'Case it shall be judged Treason, but shall be judged 'Felony or Trespass, according to the Laws of the Land 'of old Time used, and according as the Case requireth. And if in such Case, 'or other like, before this 'Time any Justices have judged Treason, and for this 'Cause the Lands and Tenements have come into the 'King's Hands as Forfeit, the 'chief Lords of the Fee shall 'have the Escheats of the 'Tenements holden of them, 'whether that the same Tenements be in the King's 'Hands, or in others, by Gift 'or in other Manner; saving 'always to our Lord the King 'the Year, and the Waste, 'and the Forfeitures of Chattles, which pertain to him in 'the Cases above named; and 'that the Writs of *Scire facias* 'be granted in such Case 'against the Land-Tenants 'without other Original, and 'without allowing the Protection of our Lord the King, 'in the said Suit; and that of 'the Lands which be in the 'King's Hands, Writs be 'granted to the Sheriff of the 'Counties where the Lands 'be, to deliver them out of 'the King's Hands without 'Delay.'

Ex Rot. in Turr. Lond.

par celle cause les terres & tenemenz soient devenuz en la main nostre Seignur le Roi come forfaitz eient les chiefs Seignurs de fee louts eschetees des tenemenz de eux tenuz le quel qe les tenemenz soient en la main nostre Seignur le Roi ou en la main des autres par donn ou en autre manere Sauvant totefoitz a nostre Seignur le Roi lan & le wast & autres forfaitures des chateux qe a lui attenent en les cases susnomes & qe briefs de Scire facias vers les terres tenantz soient grantez en tieu cas saunz autre originale & saunz allower la protection nostre Seignur le Roi en la dite seute et qe de les terres qe sont en la main le Roi soit grante brief as viscontes des countees la ou les terres serront de oster la main le Roi saunz outre delaie.

No. 2.

34 Edward III. c. 12.—There shall be no Forfeiture of Lands for Treason of dead Persons not attainted.

No. 2.
34 Edward III. c. 12.

"ITEM, Whereas the Commons have complained "them of Escheators, which "by Colour of their Office

ITEM come la communalte se eit pleint des eschetours queux par colour de lour office ont seisiz plusours terres

Ex Rot. in Turr. Lond.

& tenementz come forfaites au Roi pur treson surmys en persones mortes qe unqes ne furent atteintes en lour vies le Roi en ad bon regard. Mes porce qil et ses progenitours ont este seisiez des forfaitures de guerre de tout temps le Roi ne se voet ouster de tiel droit dont il trova sa Corone seisi & cel droit voet continuer de tieux forfaitures escheues en son temps & en temps son piere en la manere come ad este usee nientmeins de sa grace especiale il voet & graunte qe de tieux forfaitures escheues en temps son ael & touz ses progenitours pardevant a pluistost qenquest ent serra retourne en Chancellerie par eschetour ou autre qi poair an denquere qe le tenant ne soit pas ouste de sa possession mes soit garny par Scire facias destre au certein jour de respoundre a cel Scire facias sil voudra. Et si nulle tiele forfaiture soit ore ou serra seise de cel temps qe la main le Roi ent soit ouste Issint totes voies qen touz autres cas de forfaiture de treson des persones mortz nient atteintz ne juggez en lour vies ne soient pas lour heires ne lour terre tenantz empeschez ne chalengez ne de nulle autre forfaiture forsprises les forfaitures auncienement ajuggez apres la mort des persones par presentementz en Eyre ou en Baunk le Roi come des felons de soi & autres.

"have seised divers Lands "and Tenements as forfeit to "the King for Treason surmised in dead Persons, which "were never attainted of "Treason in their Lives, the "King thereof hath good Regard; but because he and "his Progenitors have been "seised of the Forfeitures of "Warrs of all Times, the "King will not exclude himself of such Right, whereof he "found his Crown seised, and will continue his Right of "such Forfeitures fallen in his "Time, and in the Time of "his Father, in the Manner "as hath been used." 'Nevertheless, of his special Grace 'he will and granteth, That of such Forfeitures fallen in the Time of his Grandfather, 'and all his Progenitors before, as soon as an Inquest shall be thereof returned in 'the Chancery by the Escheators, or other which have 'Power to inquire, that the 'Tenant shall not be put out 'of his Possession, but shall 'be warned by *Scire facias*, 'to be at a certain Day to 'answer to his *Scire facias*, 'if he will. And if any such 'Forfeiture be now, or shall 'be seised of the same Time, 'that the King's Hand shall 'be out thereof; so always, 'that in all other Cases of Forfeiture for Treason of dead 'Persons not attainted or 'judged in their Lives, their 'Heirs, nor their Land-Tenants shall not be impeached 'nor challenged, nor of any 'other Forfeiture, except the 'Forfeitures in old Time judged after the Death of the 'Persons by Presentment in

No. 2.
4 Edward III.

Forfeiture of dead Persons by Presentment in Eyre, or in the King's Bench.

Ex Rot. in Turr. Lond.

No. 2. 11 Edward III, c. 12. 'Eyre, or in the King's Bench, 'as of Felons of themselves 'and other.'

No. 3.

5 Richard II. stat. 1. c. 7.—Manumissions, Releases, and other Bands made in the last Tumult by Compulsion, shall be void. It shall be Treason to begin a Riot, Rout, or Rumour.

No. 3. 5 Richard II. stat. 1. c. 7. ITEM est ordenez et assentuz qe toutes maneres de manumissions obligations relesse et dautres liens faitz par compulsion duresce et manace en temps de cestes derrain rumour et ryot encontre les loys de la terre et bone foy soient de tout cassez irritez et tenuz pur voides et ceux qi ont fait faire ou detiegnent encores tielles manumissions obligations relesses liens et autres faitz issint par duresce faitz soient envoie devant le Roi et son conseil pur ent respondre illoeqes de lour fait et oultre soient compellez de faire deliverance et restitution de les faitz avantditz as ceux qi les firent encontre lour bon gree avec les copies dicelles si nulles par cas ent averont faitz par devant pur autre foitz user ou renoveller leffect dicel sils poiassent. Et semblablement est accordez qe toutz entrees faitz es terres ou tenementz et auxint toutes feoffementz faitz en temps du dit rumour par compulsion et manace ou autrement a force des gentz encontre la loy soient voides et tenuz pur nulles. Et le Roi defende estroitement a toutes maneres des gentz sur peine de quanqe ils purront forfaire devers luy en corps et en biens qe nully desore face ne recomence par voie quelconqe celles riot et rumour nautres semblables. Et si nully le face et ce provez duement soit fait de luy come de traitre au Roi et a son dit Roialme.

No. 4.

21 Richard II. c. 3.—It shall be adjudged High Treason for any Person to compass the Death of the King, to depose him, to make War against him within the Realm.

No. 4. 21 Richard II. c. 3. ITEM ordeine est et establiz qe chescun qe compasse et purpose la mort du Roy ou de luy deposier ou desuis rendre son homage liege ou celluy qi leve le poeple et chivache encontre le Roy a faire de guerre deinz son Roialme et de ceo soit duement atteint et adjuggez en parlement soit adjuggez come traitour de haute traison encontre la corone et forface de luy et ses heirs queconqes touz sez terres tenementz possessions et libertees et touz autres enheritementz queux il ad

Ex Rot. in Turr. Lond.

ou ascun autre ad a son oeps ou avoit le jour de traison perpetrez sibien en fee taille come en fee symple a Roy et ses heirs sibien tenuz dautres come de luy mesmes pur touz jours et auxi celle possession qe ascun autre ad a son oeps Et qe cest estatut se extende et tiegne lieu sibien as ceux qe sont adjuggez ou atteintz pur ascun des quatre pointz desditz traisons en cest parlement come de touz ceux qi serront adjuggez ou atteintz en parlement en temps advenir des ascuns des quatre pointz de traisons susditz. Et nest pas lentention du Roi ne de les Seignurs ne assent des Communes avantditz qe si ascun tiele qe forface en manere susdite soit enfoeffez en ascuny terre tenement ou possession a autry oeps qe ceo soit compris en celle forfaiture. No. 4. 21 Richard II. c. 4.

No. 5.

1 Henry IV. c. 3.—A Repeal of the whole Parliament holden *Anno* 21 Richard II. and of the Authority given thereby.

ITEM come le Lunedy proschein apres le fest del Exaltation de la seinte croice lan du regne le dit nadgairs Roi *Richard* vingt primer un parlement feut somonez et tenuz a Westm' et dilloesqes adjournez a Salopbirs a quelle ville certaine poair feut commys par auctorite du parlement as certains persones de proceder sur certains articles et matiers comprisez en rolle du parlement ent fait come par mesme le rolle y purra apparoir en quel parlement et auxint par lauctorite suisdite diverses estatutz juggementz ordinances et establissementz feurent faitz ordinez et renduz erronousement et tres dolorousement en graunde desheritison et final destruction et anientisment des plusours honurable Seignurs et autres lieges du Roialme et de lour heirs as touz jours Nostre Seignur le Roi considerant les tresgraundes meschiefs avantdites de ladvys et assent des toutz les Seignurs espirituelx et temporelx et de tout la comminaltee de Roialme ad ajuggez le dit parlement tenuz le dit an vingt primer et lauctoritee ent done come desuis est dit ove toutes les circumstances et dependences dicell destre de null force ou value et qe mesme le parlement ove lauctorite susdite et touz les circumstances et dependences dicell soient de tout reversez revokez irritez cassez repellez pur touz jourz. No. 5. 1 Henry IV. c. 3.

No. 6.

3 Henry VII. c. 14.—Conspiring to destroy the King, or any Lord Counsellor, or great Officer, shall be Felony.

'ITEM, Forasmuch as by Quarrels made to such as have 'been in great Authority, Office, and of Council with 'Kings of this Realm, hath ensued the Destruction of the No. 6. 3 Henry VII. c. 14.

No. 6. 3 Henry VII. c. 14.

'Kings, and the undoing of this Realm; so as it hath appeared evidently, when compassing of the Death of such as were of the King's true Subjects was had, the Destruction of the Prince was imagined thereby, and for the most Part it hath grown and been occasioned by Envy and Malice of the King's own Houshold Servants, as now of late such a Thing was likely to have ensued; and forsomuch as by the Law of this Land, if actual Deeds be not had, there is no Remedy for such false Compassings, Imaginations, and Confederacies had against any Lord, or any of the King's Council, or any of the King's great Officers in his Household, as Steward, Treasurer, and Comptroller, and so great Inconveniencies might ensue if such ungodly Demeaning should not be straitly punished before that actual deed were done:' Therefore it is ordained by the King, the Lords Spiritual and Temporal, and the Commons, of the said parliament assembled, and by Authority of the same, That from henceforward the Steward, Treasurer, and Comptroller of the King's House for the Time being, or one of them, have full Authority and Power to enquire by twelve sad and discreet Persons, of the Cheque Roll of the King's honourable Household, if any Servant admitted to be his Servant in his House sworn, and his Name put into the Cheque Roll of his Household, whatsoever he be, serving in any Manner, Office, or Room, reputed, had, and taken under the State of a Lord, make any Confederacies, Compassings, Conspiracies, or Imaginations, with any Person or Persons, to destroy or murder the King, or any Lord of this Realm, or any other Person sworn to the King's Council, or Steward, Treasurer, or Comptroller of the King's House, that if it be found afore the said Steward for the Time being, by the said twelve sad Men, that any such of the King's Servants as is abovesaid, hath confedered, compassed, conspired, or imagined, as is abovesaid, that he so found by that Inquiry, be put thereupon to answer; and the Steward, Treasurer, and Comptroller, or two of them, have Power to determine the same Matter, according to the Law: And if he put him in Trial, that then it be tried by other twelve sad men of the same Houshold, and that such Mis-doers have no Challenge but for Malice; and if such Mis-doers be found guilty by Confession or otherwise, that the said Offence be judged Felony; and they to have Judgment and Execution as Felons attainted ought for to have by the Common Law.

No. 7.

11 Henry VII. c. 18.—The Forfeiture of him which goeth not in Person with the King in his Wars, when he is in Person.

No. 7. 11 Henry VII. c. 18.

'WHEREAS every Subject, by the Duty of his Allegiance, is bounden to serve and assist his Prince and Sovereign Lord at all Seasons when Need shall require,

No. 7. 11 Henry VII. c. 18.

'and most specially such Persons as have by him Promotion or 'Advancement, as Grants and Gifts of Offices, Fees, and Annuities, which owe and verily be bound of Reason to give 'their Attendance upon his Royal Person to defend the same, 'when he shall fortune to go in his Person in Wars for Defence of the Realm, or against his Rebels and Enemies, for 'the subduing and repressing of them and their malicious Purpose:' Wherefore be it enacted and established by the King our Sovereign Lord, by the Advice of his Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, That if any Person or Persons, being within this Realm of *England* or *Wales*, having such Offices, Fees, or Annuities, by any of his rehearsed Gifts and Grants, do not give their Attendance upon him, when he shall fortune to go in Wars in his Person, in their said Persons, as their Duty bindeth them; that then they, and every of them making thereof Default (the King's special Licence not had, or else he have such unfeigned Sickness, Letting, or Disease, that he may not in his Person come to do his personal Attendance and Service after the Form aforesaid, and that duly proved) that then every such Person or Persons forfeit and lose their said Offices, Fees, and Annuities, and to stand void at the King's Pleasure; any Act, Ordinance, or Statute to the contrary afore this Time had or made in any wise notwithstanding. Provided, That this Act extend not to any Spiritual Person, Master of the Rolls, ne to any other Officer and Clerks of the Chancery, Justices of either Bench, Barons of the King's Exchequer, and other Officers and Clerks of the said Places, the King's Attornies and Solicitor, and the Serjeants at Law. Provided alway, That this Act shall not extend to any Person having any such Offices of the King's Highness, and being in his Service within his Towns and Fortilities of *Berwick* and *Carlisle*, ne to the Clerk of the King's Council for the Time being.

He that will not go in Person with the King in his Wars, where he is in Person, shall lose his Office, &c. granted by the King.

Certain Persons whereunto this Statute doth not extend.

No. 8.

19 Henry VII. c. 1.—For Attendance upon the King in his Wars. What he shall forfeit who doth not attend upon the then King in his own Person, when he is personally engaged in Wars. From what Time, and until what Time every such Attendant in Wars shall be paid Wages. To what Persons this Statute doth not extend.

No. 9.

D. 25 Henry VIII. c. 22.—An Act concerning the King's Succession.*

No. 9.
25 Henry VIII. c. 22.

This Act shall be proclaimed in all the Shires of England.

VIII. AND be it further enacted by Authority aforesaid, That on this Side the first Day of *May* next coming, Proclamation shall be made in all Shires within this Realm, of the Tenor and Contents of this Act; and if any Person or Persons, of what Estate, Dignity or Condition soever they be, Subject or Resiant within this Realm, or elsewhere within any the King's Dominions, after the said first Day of *May*, by writing or imprinting, or by any exterior Act or Deed, maliciously procure or do, or cause to be procured or done, any Thing or Things to the Peril of your most Royal Person, or maliciously give Occasion by Writing, Print, Deed or Act, whereby your Highness might be disturbed or interrupted of the Crown of this Realm, or by Writing, Print, Deed or Act, procure or do, or cause to be procured or done, any Thing or Things to the Prejudice, Slander, Disturbance or Derogation of the said lawful Matrimony solemnized between your Majesty and the said Queen *Anne*, or to the Peril, Slander or Disherison of any of the Issues and Heirs of your Highness, being limited by this Act to inherit and to be inheritable to the Crown of this Realm in such Form as is aforesaid, whereby any such Issues or Heirs of your Highness might be destroyed, disturbed or interrupted in Body or Title of Inheritance to the Crown of this Realm, as to them is limited in this Act in Form above rehearsed; that then every such Person and Persons of what Estate, Degree or Condition they be of, Subject or Resiant within this Realm, and their Aiders, Counsellors, Maintainers and Abetters, and every of them, for every such Offence shall be adjudged high Traitors, and every such Offence shall be adjudged High Treason, and the Offenders and their Aiders, Counsellors, Maintainers and Abetters, and every of them, being lawfully convict of such Offence by Presentment, Verdict, Confession or Process, according to the Customs and Laws of this Realm, shall suffer Pains of Death, as in Cases of High Treason; and that also every such Offender, being convict as is aforesaid, shall lose and forfeit to your Highness, and to your Heirs, Kings of this Realm, all such Manors, Lands, Tenements, Rents, Annuities and Hereditaments, which they had in Possession as Owners, or were sole seized of by or in any Right, Title or Means, or any other Person or Persons had to their Use, of any Estate of Inheritance, at the Day of such Treasons and Offences by them committed and done; and shall also lose and forfeit to your Highness, and to your said Heirs, as well

The Penalty for hurting the King's Person, disturbing his Title to the Crown, or slandering his Marriage.

Rep. 1 E. 6. c. 12. § 2.

* This Act was for the establishing the Legitimacy of the Marriage of the King with Ann Boleyn.—So much of it as relates to the general Subject of the Degrees of Affinity in respect of Marriage, has been inserted Pt. I. Cl. IV.

No. 9.
25 Henry VIII. c. 22.

all manner such Estates of Freehold and Interests for Years of Lands and Rents, as all their Goods, Chattels and Debts, which they had at the Time of Conviction or Attainder of any such Offence: Saving always to every Person and Persons, and Bodies Politick, to their Heirs, Assigns and Successors, and every of them, other than such Persons as shall be so convict, and their Heirs and Successors, and all other claiming to their Uses, all such Right, Title, Use, Interest, Possession, Condition, Rents, Fees, Offices, Annuities and Commons, which they or any of them shall happen to have in, to or upon any such Manors, Lands, Tenements, Rents, Annuities or Hereditaments, that shall so happen to be lost and forfeit by reason of Attainder for any the Treasons and Offences above rehearsed, at any Time before the said Treasons and Offences committed.

The Rights of all others, except the Offenders, saved.

IX. And be it further enacted by Authority aforesaid, That if any Person or Persons after the said first Day of *May*, by any Words, without Writing, or any exterior Deed or Act, maliciously and obstinately shall publish, divulge or utter any Thing or Things to the Peril of your Highness, or to the Slander or Prejudice of the said Matrimony solemnized between your Highness and the said Queen *Anne*, or to the Slander and Disherison of the Issue and Heirs of your Body begotten and to be begotten by the said Queen *Anne*, or any other your lawful Heirs, which shall be inheritable to the Crown of this Realm, as is before limited by this Act; that then every such Offence shall be taken and adjudged for Misprision of Treason; and that every Person and Persons, of what Estate, Degree or Condition soever they be, Subject or Resiant within this Realm, or in any the King's Dominions, so doing and offending, and being thereof lawfully convict by Presentment, Verdict, Process or Confession, shall suffer Imprisonment of their Bodies at the King's Will, and shall lose as well all their Goods, Chattels and Debts, as all such Interests and Estates of Freehold or for Years, which any such Offender shall have of or in any Lands, Rents or Hereditaments whatsoever, at the Time of Conviction and Attainder of such Offence.

The Penalty for publishing any Thing to the Peril of the King, or the Slander of his Marriage, or to the Disheritance of his Issue.

No. 10.

26 Henry VIII. c. 2. — The Oath of Obedience to the King and the Heirs of his Body begotten of Queen *Anne*. Any former Oath made to be reputed vain and annihilate. The Exposition of the Oath, and who have and shall be bound to take it. Certificate shall be made into the King's Bench of the Refusers of the Oath.

No. 11.

26 Henry VIII. c. 13.—An Act whereby Offences be made High Treason, and taking away all Sanctuaries for all manner of High Treasons.

No. 11. 26 Henry VIII. c. 13. What Crimes shall be accounted High Treason. Qu. If in Force 1 & 2 Ph. & M. c. 10.

'FORASMUCH as it is most necessary, both for common 'Policy and Duty of Subjects, above all Things to pro- 'hibit, provide, restrain and extinct all manner of shameful 'Slanders, Perils or imminent Danger or Dangers, which 'might grow, happen or rise to their Sovereign Lord the 'King, the Queen, or their Heirs, which when they be heard, 'seen or understood, cannot be but odible, and also abhorred 'of all those sorts that be true and loving Subjects, if in any 'Point they may do, or shall touch the King, his Queen, their 'Heirs or Successors, upon which dependeth the whole Unity, 'and universal Weal of this Realm, without providing where- 'fore too great a Scope of unreasonable Liberty should be 'given to all cankard and traitorous Hearts, Willers and 'Workers of the same; and also the King's loving Subjects 'should not declare unto their Sovereign Lord now being, 'which unto them hath been, and is most entirely both be- 'loved and esteemed, their undoubted Sincerity and Truth.'

II. Be it therefore enacted by the Assent and Consent of our Sovereign Lord the King, and the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, that if any Person or Persons, after the first Day of *February* next coming, do maliciously wish, will or desire, by Words or Writing, or by Craft imagine, invent, practise or attempt any bodily Harm to be done or committed to the King's most Royal Person, the Queen's, or their Heirs apparent, or to deprive them or any of them of their Dignity, Title or Name of their Royal Estates, or slanderously and maliciously publish and pronounce, by express Writing or Words, that the King our Sovereign Lord should be Heretick, Schismatick, Tyrant, Infidel or Usurper of the Crown, or rebelliously do detain, keep or withhold from our said Sovereign Lord, his Heirs or Successors, any of his or their Castles, Fortresses, Fortilesses or Holds within this Realm, or in any other the King's Dominions or Marches, or rebelliously detain, keep or withhold from the King's said Highness, his Heirs or Successors, or any of his or their Ships, Ordinances, Artillery or other Munitions or Fortifications of War, and do not humbly render and give up to our said Sovereign Lord, his Heirs or Successors, or to such Persons as shall be deputed by them, such Castles, Fortresses, Fortilesses, Holds, Ships, Ordinances, Artillery and other Munitions and Fortifications of War, rebelliously kept or detained, within six Days next after they shall be commanded by our said Sovereign Lord, his Heirs or Successors, by open Proclamation under the Great Seal; That then every such Person and Persons so offending in any the Premisses, after the

said first Day of *February*, their Aiders, Counsellers, Consenters and Abettors, being thereof lawfully convict according to the Laws and Customs of this Realm, shall be adjudged Traitors, and that every such Offence in any the Premisses, that shall be committed or done after the said first Day of *February*, shall be reputed, accepted and adjudged High Treason, and the Offenders therein and their Aiders, Consenters, Counsellers and Abettors, being lawfully convict of any such Offence as is aforesaid, shall have and suffer such Pains of Death and other Penalties, as is limited and accustomed in Cases of High Treason.

No. 11. 26 Henry VIII. c. 13.

III. And to the Intent that all Treasons should be the more dread, hated and detested to be done by any Person or Persons, and also because it is a great Boldness and an Occasion to ill-disposed Persons, to adventure and embrace their malicious Intents and Enterprizes, which all true Subjects ought to study to eschew: Be it therefore enacted by the Authority aforesaid, That none Offender in any Kinds of High Treasons whatsoever they be, their Aiders, Consenters, Counsellors, nor Abettors, shall be permitted to have the Benefit or Privilege of any manner of Sanctuary, considering that Matters of Treasons touch so nigh both the Surety of the King our Sovereign Lord's Person, and his Heirs and Successors.

No Offender in High Treason shall have the Benefit of Sanctuary.

IV. And over that, be it enacted by Authority aforesaid, That if any of the King's Subjects, Denizens or other, do commit or practise out of the Limits of this Realm, in any outward Parties, any such Offences, which by this Act are made, or heretofore have been made Treason, that then such Treasons, whatsoever they be, or wheresoever they shall happen so to be done or committed, shall be inquired and presented by the Oaths of twelve good and lawful Men, upon good and probable Evidence and Witness, in such Shire and County of this Realm, and before such Persons as it shall please the King's Highness to appoint by Commission under his Great Seal, in like Manner and Form as Treasons committed within this Realm have been used to be inquired of and presented; and that upon every Indictment and Presentment found and made of any such Treasons, and certified into the King's Bench, like Process and other Circumstance shall be there had and made against the Offenders, as if the same Treasons, so presented, had been lawfully found to be done and committed within the Limits of this Realm. And that all Process of Outlawry hereafter to be had and made within this Realm against any Offenders in Treason, being resiant or inhabited out of the Limits of this Realm, or in any of the Parties beyond the Sea, at the Time of the Outlawry pronounced against them, shall be as good and as effectual in the Law to all Intents and Purposes, as if such Offenders had been resident and dwelling within this Realm at the Time of such Process awarded, and Outlawry pronounced.

Where Treasons committed out of the Realm shall be inquired of.

Process of Outlawry awarded against any Traitor remaining beyond Sea.

V. And be it further enacted by Authority aforesaid, That every Offender and Offenders, being hereafter lawfully con-

What an Offender in Trea-

No. 11. 26 Henry VIII. c. 13. [Trea]son shall forfeit.

vict of any manner of High Treasons, by Presentment, Confession, Verdict, or Process of Outlawry, according to the due Course and Custom of the common Laws of this Realm, shall lose and forfeit to the King's Highness, his Heirs and Successors, all such Lands, Tenements and Hereditaments, which any such Offender or Offenders shall have of any Estate of Inheritance in Use or Possession, by any Right, Title or Means, within this Realm of *England*, or elsewhere within any of the King's Dominions, at the Time of any such Treason committed, or any Time after; saving to every Person and Persons, their Heirs and Successors, (other than the Offenders in any Treasons, their Heirs and Successors, and such Person and Persons as claim to any their Uses) all such Rights, Titles, Interests, Possessions, Leases, Rents, Offices and other Profits, which they shall have at the Day of committing such Treasons, or at any Time afore, in as large and ample Manner as if this Act had never been had nor made.

No. 12.

27 Henry VIII. c. 2.—It shall be High Treason to counterfeit the King's Sign-manual, Privy-signet, or Privy-seal.

No. 13.

32 Henry VIII. c. 25.—The Marriage solemnized between the King and the Lady *Anne* of *Cleves*, by the Judgment of the Clergy of *England*, in their Convocation, is adjudged and pronounced to be void, and also by her own Consent; and that the King shall be at Liberty to marry any other Woman, and she any other Man. It shall be High Treason, by Word or Deed, to accept, take, judge, or believe the said Marriage to be good, or to procure or do any Thing to the Repeal of this Act.

No. 14.

33 Henry VIII. c. 20.—How Treason committed by a Lunatick shall be punished, and in what Manner he shall be tried.

No. 14. 33 Henry VIII. c. 20.

'FORASMUCH as sometime some Persons, being accused 'of High Treasons, have, after they have been examined 'before the King's Majesty's Council, confessed their Offences 'of High Treason, and yet nevertheless after the doing of 'their Treasons, and Examinations and Confessions thereof, 'as is afore said, have fallen to Madness or Lunacy, whereby

'the condign Punishment of their Treasons, were they never 'so notable and detestable, hath been deferred, spared and 'delayed; and whether their Madness or Lunacy by them outwardly shewed were of Truth, or falsly contrived and counterfeited, it is a Thing almost impossible certainly to judge 'and try:' Be it therefore enacted by Authority of this present Parliament (to avoid all sinister, counterfeit and false Practices and Imaginations that may be used for Excuse of Punishment of High Treasons, in such Cases where they be done or committed by any Person or Persons of good, perfect and whole Memory at the Time of such their Offences) that if any Person or Persons have done or committed, or hereafter shall do or commit any High Treasons, when they were in good, whole and perfect Memory, and after their Accusation, Examination and Confession thereof before any the King's Majesty's Council, shall happen to fall to Madness or Lunacy, that yet nevertheless if it shall appear by the Testimony of four of the King's Council, or more, that such Persons, at the Time of doing their Treason, and at the Time of their Accusation, Examination and Confession thereof, were of good, perfect and whole Memory, and then not mad nor lunatick, but since that Time fallen to Madness or Lunacy, and so certified into the King's Chancery by Writing subscribed with the Names of four of the said Council, or more; that then, in every such Case, the King's Majesty's Commission of *Oier & Determiner* of the Treasons shall be awarded out of the said Chancery, under his Highness' Great Seal, into such Shire and Place, and to such Persons, as it shall please the King's most Royal Majesty to limit and appoint, in which Commission shall be specially mentioned and expressed the Names of such Person or Persons, who shall happen to be accused and examined of Treason before any the King's Majesty's Council, as is afore said, and an express Mention, that by the Testimony of four of the King's Council, such Person and Persons so accused or examined of Treason, were of good, perfect and whole Memory at the Time of committing their Offences, and at the Time of their Accusation, Examination and Confession thereof, and that since that Time they become mad or lunatick; by Virtue of which Commission, the Commissioners limited by the same Commission shall have Power and Authority to inquire of the Treasons done by such Persons, by the Inhabitants or Freeholders of the Shire where such Commission shall be directed to, wheresoever the said Treasons were done or committed; and if such Person or Persons aforesaid shall happen to be indicted of High Treason, then the said Commissioners, without the personal Appearance or Arraignment of such Person or Persons so indicted, shall cause the Sheriff or his Ministers, or other having Authority to return Process of such Cases, to return a Panel before them of sufficient and lawful Freeholders of the Shire where such Persons shall be indicted, for the Trial of their Treasons contained in their Indictment; and after the Return of the Panel and

No. 14. 33 Henry VIII. c. 20.

Altered by 1 & 2 Ph. & M. c. 10.

Commission.

Testimony.

Inquiry.

No. 14. 33 Henry VIII, c. 20. Appearance of the Jury, the said Commissioners, in the Absence of the said Person or Persons indicted being mad or lunatick, without any Arraignment, Answer or Plea to the Indictment, shall swear twelve of such of the said Jury as shall be returned before them, to try whether the Person or Persons indicted be guilty of the Treasons contained in the Indictment, or of any of them, or not guilty, causing only the Indictment to be read to the said Jury, and after the reading thereof cause and suffer upon Evidence to be given to the Jury, as well for the King as for the Party, touching the Treasons contained in the Indictment, as to their Discretions shall seem convenient; whereupon the Jury shall be bound to give their Verdict according to their Evidence, as if the Persons indicted had been present, arraigned and pleaded to the same: And if it shall happen such Person or Persons, so indicted, to be found guilty by the said Jury so charged to try such Treasons, that then the Offenders of such Treasons so found guilty, shall have such Judgment, and suffer such Pains of Death, Forfeitures of Lands, Goods, Chattels and all other Things, as is commonly limited in Cases of High Treason, and as if such Persons had been of good and whole Memory, and personally present arraigned and pleaded to their Indictment, and had been found guilty thereof; their Madness or Lunacy, or their Absence, Non-arraignment, or not pleading to the said Indictment, in any wise not letting nor withstanding.

Judgment.

Peers.

Provided alway, and be it enacted by the Authority aforesaid, That if any of the Peers of this Realm shall happen to be accused and examined of High Treason before any of the King's Council, and do confess the same, and afterward fall to Madness or Lunacy, as is afore said, that then such Treasons done and committed by any Peer of this Realm, and by him or her confessed upon Examination thereof before any of the King's Council, as is afore said, and their Confessions, if they can write, subscribed with their Names, shall be inquired of by Virtue of the King's Commission of *Oier & Determiner*, to be awarded in Manner and Form above rehearsed: And if they shall happen to be indicted of High Treason by Virtue of such Commission, yet nevertheless their Trial shall be always had by their Peers before the High Steward of *England*, to be assigned by the King's Highness; and that the High Steward to be assigned by the King's Majesty, in every such Case, shall have the Record of the Indictment brought to him, and shall cause to be summoned to appear before him the Peers of the Realm, as hath been accustomed, at a Day and Place by the said High Steward to be limited, at which Day and Place the said High Steward, after the Appearance of the Peers before him, having the Record of the said Indictment before him, shall, in the Absence of the Person indicted, which shall happen to be mad or lunatick, as is afore said, and without his or her Arraignment or Pleading to the Indictment, cause the said Indictment to be read to the Peers, and in their Presence cause to be declared by his Discretion all manner of Evi-

Trial.

dence and Witness touching the Treasons contained in the said Indictment, and afterward charge the said Peers, upon their Faiths and Duties of Allegiance that they owen to the King's Majesty, to try whether the Person indicted be guilty of the Treasons contained in the Indictments, or any of them, or not guilty; and if they shall find him or her guilty, that then such Judgment, Execution and Forfeiture shall be had, made and done, as if such Person indicted had been of good Memory, and personally present arraigned and pleaded to the said Indictment, and had been found guilty of the Treasons therein contained; the Madness or Lunacy of such Person in such Cases as is aforesaid notwithstanding.

No. 11. 33 Henry VIII. c. 20.

Judgment.

II. And be it further enacted by the Authority of this present Parliament, That if any Person or Persons shall happen to be attainted and convicted of High Treason by Authority of Parliament, or by the due Course of the Common Laws or Statutes of this Realm, and afterwards fall to Madness or Lunacy, that yet nevertheless they shall have and suffer Execution (their Madness or Lunacy notwithstanding) and that if any Person or Persons shall be attainted of High Treason by the Course of the Common Laws or Statutes of this Realm, that in every such Case every such Attainder by the Common Law shall be of as good Strength, Value, Force and Effect, as if it had been done by Authority of Parliament; and that the King's Majesty, his Heirs and Successors, shall have as much Benefit and Advantage by such Attainder, as well of Uses, Rights, Entries, Conditions, as Possessions, Reversions, Remainders, and all other Things, as if it had been done and declared by Authority of Parliament, and shall be deemed and adjudged in actual and real Possession of the Lands, Tenements, Hereditaments, Uses, Goods, Cattels, and all other Things of the Offenders so attainted, which his Highness ought lawfully to have, and which they so being attainted ought or might lawfully lose and forfeit, if the Attainder had been done by Authority of Parliament, without any Office or Inquisition to be found of the same; any Law, Statute, or Use of this Realm to the contrary thereof in any wise notwithstanding.

Attainder of Treason by the Common Law shall be of as good Force as by Act of Parliament.

III. Saving to all and every Person and Persons, and Bodies Politick, and their Heirs, Assigns and Successors, and every of them (other than such Person and Persons which hereafter shall be attainted of High Treason, and their Heirs and Assigns, and every of them, and all and every other Person and Persons claiming by them, or any of them, or to their Uses, or to the Uses of any of them, after the said Treasons committed) all such Right, Title, Use, Possession, Entry, Reversions, Remainders, Interests, Conditions, Fees, Offices, Rents, Annuities, Commons, Leases, and all other Commodities, Profits and Hereditaments whatsoever they or any of them should, might, or ought to have had, if this Act had never been had ne made.

A Saving of the Right of others.

No. 15.

33 Henry VIII. c. 21. — Queen *Katharine* and her Complices attainted of High Treason.

No 15.
33 Henry VIII. c. 21.

This Act is not on the Roll.

Queen *Katharine* attainted of Treason, for her incontinent Life, and *I. R. T. C.* and *F. D.* her Complices; and all their Lands and Tenements, Goods and Cattels shall be forfeit to the King. It shall be lawful for any of the King's Subjects, if themselves do perfectly know, or by vehement Presumption do perceive, any Will, Act, or Condition of Lightness of Body in her which shall be the Queen of this Realm, to disclose the same to the King, or some of his Council; but they shall not openly blow it abroad, or whisper it, until it be divulged by the King or his Council. If the King, or any of his Successors, shall marry a Woman which was before incontinent, if she conceal the same, it shall be High Treason; and so shall it be in any other knowing it, and not revealing it to the King, or one of his Council, before the said Marriage, or within twenty Days after. If the Queen, or Wife of the Prince, shall by Writing, Message, Words, Tokens, or otherwise, move any other to have carnal Knowledge with them, or any others shall move either of them to that End, then in the Offender it shall be adjudged High Treason.

The King's Assent to Acts of Parliament by his Letters Patents.

III. Be it declared by Authority of this present Parliament, That the King's Royal Assent by his Letters Patent under his Great Seal, and signed with his Hand, and declared and notified in his Absence to the Lords Spiritual and Temporal, and to the Commons, assembled together in the high House, is and ever was of as good Strength and Force, as though the King's Person had been there personally present, and had assented openly and publickly to the same.

IV. And be it also enacted, That this Royal Assent, and all other Royal Assents hereafter to be so given by the Kings of this Realm, and notified as is aforesaid, shall be taken and reputed good and effectual to all Intents and Purposes, without Doubt or Ambiguity; any Custom or Use to the contrary notwithstanding.

No. 16.

33 Henry VIII. c. 23.—An Act to proceed by Commission of *Oyer* and *Terminer* against such Persons as shall confess Treason, &c. without remanding the same to be tried in the Shire where the Offence was committed.*

No. 16.
33 Henry VIII. c. 23.

'FORASMUCH as divers and sundry Persons, upon great 'Grounds of vehement Suspicions, as well of High Trea- 'son, Petty Treason, and Misprisions of Treason, as of Mur-

* Repealed by 1 and 2 P. and M. c. 10. post.

'ders, be many Times sent for from divers Shires and Places 'of this Realm, and other the King's Dominions, to the King's 'Majesty's great Charges and Expences, to be examined be-'fore the King's Highness Council upon their Offences, to the 'Intent that Conviction or Declaration of such Person should 'speedily ensue, as the Merits of their Cases should require: 'And albeit that after great Travel taken in the Examinations 'of such Persons, it appear to the said Council by Confession, 'Witness, or vehement Suspect, that such Persons be rather 'guilty of such Offences whereof they be so examined, 'than otherwise; yet nevertheless such Offenders, so exa-'mined, by the Course of the Common Law of this Realm, 'must be indicted within the Shires or Places where they 'committed their Offences, and also tried by the Inhabitants 'or Freeholders of such Shires and Places, although by their 'Confessions, or sufficient Witness, their Offences be certainly 'known to the King's Council; by reason whereof, beside the 'Travail and Pains of the King's Majesty's Council in such 'Cases, the King's Highness is oftentimes put to great Char-'ges and Expences, in remanding such Persons to the Coun-'tries where they offended, there to be indicted and tried of 'their Offences: and sometime the Inhabitants and Freehol-'ders of the Shires or Places where such Offences were done, be 'compelled to appear out of their Shires and Places for such 'Causes, to their great Charges, for the Trial or Declaration of 'such Offences; and sometime, by occasion of the Charges for 'remanding of such Offenders to be indicted and tried by the 'Course of the Common Law, such Offenders lie still in Pri-'son, and be forgotten, whereby many Times, by Help of their 'Confederates, they escape unpunished, to the great Courage 'and evil Example of Evil-doers:' Be it therefore enacted by the King our Sovereign Lord, and by the Assent of the Lords Spiritual and Temporal, and the Commons, of this present Parliament assembled, and by Authority of the same, That if any Person or Persons being examined before the King's Council, or three of them, upon any Manner of Treasons, Misprisions of Treasons, or Murders, do confess any such Offences, or that the said Council, or three of them, upon such Examination, shall think any Person so examined to be vehemently suspected of any Treason, Misprisions of Treasons, or Murder; that then in every such Case, by the King's Commandment, his Majesty's Commission of *Oyer* and *Terminer*, under his Highness Great Seal, shall be made by the Chancellor of *England* to such Persons, and into such Shires or Places, as shall be named and appointed by the King's Highness, for the speedy Trial, Conviction or Delivery of such Offenders; which Commissioners shall have Power and Authority to enquire, hear and determine all such Treasons, Misprisions of Treasons and Murders, within the Shires and Places limited by their Commission, by such good and lawful Persons as shall be returned before them by the Sheriff or his Minister, or any other having Power to return Writs and Pro-

No. 16. 33 Henry VIII. c. 23.

The Inconveniencies ensuing he remanding Persons suspected of Treason, to be tried Counties where they offended.

Cases of Treason, &c. which may be tried in any County by the King's Commission.

No. 16. 33 Henry VIII. c. 23. cess for that Purpose, in whatsoever other Shire or Place within the King's Dominions, or without, such Offences of Treasons, Misprisions of Treasons or Murders so examined were done or committed, and that in such Cases no Challenge for the Shire or Hundred shall be allowed.

Challenge for want of Freehold. II. Provided that upon the Trial of such Treasons, Misprisions of Treasons, and Murders, the Challenge to any Juror, for lack of Freehold of the yearly Value of forty Shillings, shall be allowed as hath been accustomed.

Trial of Peers. III. Provided also, That if any the Peers of the Realm shall happen to be indicted of any the Offences aforesaid, by Virtue of any such Commission to be granted by Authority of this Act, yet nevertheless they shall have their Trial by Peers, in like Manner and Form as heretofore hath been used; any Thing in this Act contained, or any Thing to be done by Virtue thereof in any wise notwithstanding. And it is ordained and enacted by Authority aforesaid, That peremptory Challenge shall not from henceforth be admitted or allowed in any Cases of High Treason, nor Misprision of High Treason.

No peremptory Challenge in High Treason or Misprison of Treason.

No. 17.

35 Henry VIII. c. 2.—An Act for the Trial of Treasons committed out of the King's Dominions.*

No. 17. 35 Henry VIII. c. 2.

Where and before whom Treasons committed out of the Realm shall be tried.

'FORASMUCH as some Doubts and Questions have been 'moved, That certain Kinds of Treasons, Misprisions 'and Concealments of Treasons, done, perpetrated, or com'mitted out of the King's Majesty's Realm of *England*, and 'others his Grace's Dominions, cannot ne may by the Common 'Laws of this Realm be enquired of, heard and determined 'within this his said Realm of *England*:' For a plain Remedy, Order and Declaration therein to be had and made, be it enacted by Authority of this present Parliament, That all manner of Offences, being already made and declared, or hereafter to be made or declared by any the Laws and Statutes of this Realm to be Treasons, Misprisions of Treasons, or Concealments of Treasons, and done, perpetrated or committed, or hereafter to be done, perpetrated or committed, by any Person or Persons out of this Realm of *England*, shall be from henceforth enquired of, heard and determined before the King's Justices of his Bench, for Pleas to be holden before himself, by good and lawful Men of the same Shire where the said Bench shall sit and be kept, or else before such Commissioners, and in such Shire of the Realm, as shall be assigned by the King's Majesty's Commission, and by good and lawful Men of the same Shire, in like Manner and Form to all Intents and Purposes, as if such Treasons, Misprisions of Treasons, or Concealments of Treasons had been done, perpetrated, and committed within the same Shire where they shall be so enquired of, heard and determined as is aforesaid.

* This Act is not repealed by 1 and 2 P. and M. post.; 1 East, P. C. 102.

II. Provided always, That if any the Peers of this Realm shall happen to be indicted of any such Treasons, or other Offences aforesaid, by the Authority of this Act, that then, after such Indictment, they shall have their Trial by their Peers, in such like Manner and Form as hath heretofore been accustomed.

No. 17. 35 Henry VIII. c. 2.

Trial of Peers.

No. 18.

1 Edward VI. c. 12.—An Act for the Repeal of certain Statutes concerning Treasons and Felonies.

No. 18. 1 Edward VI. c. 12.

Statutes concerning Treasons, &c. repealed.

'NOTHING being more Godly, more sure, more to be 'wished and desired betwixt a Prince, the Supream 'Head and Ruler, and the Subjects, whose Governor and 'Head he is, than on the Prince's Part great Clemency and 'Indulgency, and rather too much Forgiveness and Remission 'of his Royal Power and just Punishment, than exact Severity 'and Justice to be shewed; and on the Subjects' Behalf, that 'they should obey rather for Love, and for the Necessity and 'Love of a King and Prince, than for fear of his strait and 'severe Laws; yet such Times at some time cometh in the 'Commonwealth, that it is necessary and expedient for the 'Repressing of the Insolency and Unruliness of Men, and for 'the foreseeing and providing of Remedies against Rebellion, 'Insurrection, or such Mischiefs, as God sometime with 'us displeased, for our Punishment doth inflict and lay upon 'us, or the Devil at God's Permission, to assay the good and 'God's elect, doth sow and set among us; the which Almighty God with his Help, and Man's Policy, hath always 'been content and pleased to have staid, that sharper Laws, 'as a harder Bridle should be made, to stay those Men and 'Facts that might else be Occasion, Cause, and Authors of 'further Inconvenience; the which Thing caused the Prince 'of most famous Memory, King *Henry* the Eighth, Father to 'our said Sovereign Lord the King, and other his Highness 'Progenitors, with the Assent of the Nobles and Commons, 'at divers Parliaments in their several Times holden, to make 'and enact certain Laws and Statutes, which might seem and 'appear to Men of exterior Realms, and many of the King's 'Majesty's Subjects, very strait, sore, extream and terrible, 'although they were then, when they were made, not without great Consideration and Policy moved and established, 'and for the Time, to the Avoidance of further Inconvenience, 'very expedient and necessary: But as in Tempest or Winter, one Course and Garment is convenient, in calm or 'warm Weather a more liberal Case or lighter Garment, both 'may and ought to be followed and used; so we have seen 'divers strait and sore Laws made in one Parliament (the 'Time so requiring) in a more calm and quiet Reign of 'another Prince, by the like Authority and Parliament, re-

Sometimes sharp and sometimes milder Laws be made, according the Peoples' Inclinations.

No. 18. 1 Edward VI. c. 12.

'pealed and taken away: The which most high Clemency 'and Royal Example of his Majesty's most noble Progenitors, 'the King's Highness of his tender and godly Nature, most 'given to Mercy and Love of his Subjects, willing to follow, 'and perceiving the hearty and sincere Love that his most 'loving Subjects, both the Lords and Commons, do bear unto 'his Highness, now in this his Majesty's tender Age, willing 'also to gratify the same therefore, and minding further to pro-'voke his said Subjects with great Indulgency and Clemency 'shewed on his Highness Behalf, to more Love and Kindness 'toward his Majesty (if it may be) and upon Trust that they 'will not abuse the same, but rather be encouraged thereby 'more faithfully and with more Diligence (if it may be) and 'Care for his Majesty, to serve his Highness now in this his 'tender Age, is contented and pleased, that the Severity of 'certain Laws here following be mitigated and remitted."

No Offence made Treason by any Statute shall be so adjudged, but such as were made Treason by the Statute of 25 Ed. 3. stat. 5. c. 2.

II. Be it therefore ordained and enacted by the King our Sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, that from henceforth no Act, Deed or Offence, being by Act of Parliament or Statute made Treason or Petit Treason, by Words, Writing, Ciphering, Deeds, or otherwise whatsoever, shall be taken, had, deemed and adjudged to be High Treason or Petit Treason, but only such as be Treason or Petit Treason, in or by the Act of Parliament or Statute made in the five and twentieth Year of the Reign of the most noble King of famous Memory, King *Edward* the Third, touching or concerning Treason or the Declarations of Treasons, and such Offences as hereafter shall by this present Act be expressed and declared to be Treason or Petit Treason, and none other; nor that any Pains of Death, Penalty or Forfeiture in any wise ensue or be to any of the Offenders for the doing or committing any Treason or Petit Treason, other than such as be in the said Statute made in the said twenty-fifth Year of the Reign of the said King *Edward* the Third, or by this present Statute ordained and provided; any Act or Acts of Parliament, Statute or Statutes, had or made at any Time heretofore, or after the said twenty-fifth Year of the Reign of the said late King *Edward* the Third, or any other Declaration or Matter to the contrary in any wise notwithstanding.

III. And also be it further enacted by the Authority aforesaid, That all Acts of Parliament and Statutes touching, mentioning or in any wise concerning Religion or Opinions, that is to say, as well the Statute made in the first Year of the Reign of the King's noble Progenitor, King *Richard* the Second; and the Statute made in the second Year of the Reign of King *Henry* the Fifth; and the Statute also made in the twenty-fifth Year of the Reign of King *Henry* the Eighth, concerning Punishment and Reformation of Hereticks and Lollards, and every Provision therein contained; and the Statute made for the Abolishment of

1 R. 2. stat. 1. c. 6.
2 H. 5. c. 7.
25 H. 8. c. 14.

Diversity of Opinions in certain Articles concerning Christian Religion, commonly called the Six Articles, made in the Parliament begun at *Westminster*, the twenty-eighth day of *April*, in the one and thirtieth Year of the Reign of the most noble and victorious Prince of most famous Memory King *Henry* the Eighth, Father of our most dread Sovereign Lord the King that now is; and also the Act of Parliament and Statute made in the Parliament begun at *Westminster* the sixteenth Day of *January*, in the three and thirtieth Year of the Reign of the said late King *Henry* the Eighth, and after that prorogued unto the two and twentieth Day of *January* in the four and thirtieth Year of the Reign of the said late King *Henry* the Eighth, touching, mentioning or in any wise concerning Books of the Old and New Testament in *English*, and the printing, uttering, selling, giving or delivering of Books or Writings, and retaining of *English* Books or Writings, and Reading, Preaching, Teaching or Expounding of Scripture, or in any wise touching, mentioning or concerning any of the same Matters. And also one other Statute made in the Parliament holden at *Westminster* in the five and thirtieth Year of the Reign of the said late King *Henry* the Eighth, concerning the Qualification of the Statute of six Articles; and all and every other Act or Acts of Parliament concerning Doctrine or Matters of Religion; and all and every Branch, Article, Sentence and Matter, Pains and Forfeitures contained, mentioned or in any wise declared in any of the same Acts of Parliament or Estatutes, shall from henceforth be repealed and utterly void and of none Effect.

No. 18. 1 Edward VI. c. 12.

31 H. 8. c. 14.

34 & 35 H. 8. c. 1.

35 H. 8. c. 5. A Repeal of the before specified six Statutes, and of every other Act concerning Doctrine and Matter of Religion.

IV. And be it further ordained and enacted by the Authority aforesaid, That all Offences made Felony by any Act or Acts of Parliament, Statute or Statutes, made sithence the twenty-third Day of *April* in the first Year of the Reign of the said late King *Henry* the Eighth, not being Felony before, and also all and every the Branches and Articles mentioned or in any wise declared in any of the same Statutes concerning the making of any Offence or Offences to be Felony, not being Felony before, and all Pains and Forfeitures concerning the same or any of them, shall from henceforth be repealed and utterly void, and of none Effect.

All Statutes made sithence the first Year of H. 8 to make any Thing Felony, repealed.

V. And be it also ordained and enacted by the Authority aforesaid, That one Act made in the Parliament holden at *Westminster* in the xxxi. Year of the Reign of the said late King *Henry* the Eighth, that Proclamations made by the King's Highness, by the Advice of his honourable Council, should be obeyed and kept as though they were made by Authority of Parliament; and also one other Act made in the Parliament holden in the xxxiv. Year of the Reign of the said late King *Henry* the Eighth, for the due Execution of the said Proclamations; and also all and every Branch, Article and Matter in the same Statutes and in every of them mentioned or declared,

A Repeal of the Stat. of 31 H. 8. c. 8. & 34 & 35 H. 8. c. 23. touching the Authority of the King's Proclamations.

No. 18. 1 Edward VI. c. 12.

shall from henceforth be repealed, and utterly made void and of none effect.

The Penalty for affirming by Words, that the King is not supream Head of the Church, or that any other is; or to compass to depose him, or to affirm that he ought not to be King. Repealed 1 & 2 Ph. & M. c. 8. for so much as concerns the Supremacy.

VI. And be it enacted by the Authority aforesaid, That if any Person or Persons, at any Time after the first Day of *March* next coming, by open Preaching, express Words or Sayings, do affirm or set forth that the King, his Heirs or Successors, Kings of this Realm, for the Time being, is not, or ought not to be supream Head in Earth of the Church of *England* and *Ireland* or any of them, immediately under God; or that the Bishop of *Rome*, or any other Person or Persons, other than the King of *England* for the Time being, is or ought to be by the Laws of God, Supream Head of the same Churches or of any of them; or that the King, his Heirs or Successors, Kings of this Realm, is not, or ought not to be King of *England*, *France* and *Ireland* or any of them; or after the said first Day of *March* do compass or imagine, by open Preaching, express Words or Sayings, to depose or deprive the King his Heirs or Successors, Kings of this Realm, from his or their Royal Estate or Titles to or of the Realms aforesaid; or do openly publish or say by express Words or Sayings, that any other Person or Persons, other than the King, his Heirs or Successors, Kings of this Realm, of Right ought to be Kings of the Realms aforesaid or of any of them, and to have and enjoy the same or any of them; that then every such Offender, being thereof duly convicted or attainted by the Laws of this Realm, their Aiders, Comforters, Abettors, Procurers and Counsellors, for his or their such first Offence, shall lose and forfeit to the King all his and their Goods and Chattels, and also shall have and suffer Imprisonment of his and their Bodies, at the King's Will and Pleasure. And if any Person, being once convicted or attainted of any of the said Offences, shall after his Conviction or Attainder eftsoons commit or perpetrate any of the Offences before-mentioned, other than such as be expressed in the said Estatute made in the said xxv. Year of King *Edward* the Third, and shall be thereof duly convicted and attainted by the Laws of this Realm; that then every such Offender, their Aiders, Comforters, Abettors, Procurers and Counsellors, for his or their said second Offence or Offences, shall lose and forfeit to the King the whole Issues and Profits of all his and their Lands, Tenements and other Hereditaments, Benefices, Prebends, and other Spiritual Promotions, for Term of Life of such Offender or Offenders; and shall also lose and forfeit to the King all his and their Goods and Chattels, and also suffer, during his and their Lives, perpetual Imprisonment of his and their Bodies: And if any Person being two Times hereafter convicted or attainted of any of the same Offences, shall after his said second Conviction or Attainder eftsoons commit or perpetrate again any of the said Offences, and be thereof duly convicted or attainted by the Laws and Statutes of this Realm; that then every such third Offence or Offences shall be deemed and adjudged High Treason, and the Offender or Offenders, their Aiders, Comforters,

The Punishment for the second Offence being once before convicted. 25 Ed. 3. stat. 5. c. 2.

The Punishment for the third Offence, being twice convicted.

Abettors, Procurers and Counsellors, being therein convicted or attainted, according to the Laws and Statutes of this Realm, shall be deemed and adjudged High Traytors, and shall suffer Pains of Death, and lose and forfeit all their Goods and Chattels, Lands and Tenements to the King, as in Cases of High Treason. No. 18. 1 Edward VI. c. 12.

VII. And be it further enacted by the Authority aforesaid, That if any Person or Persons, at any Time after the said first Day of *March* next coming, by Writing, Printing, Overt-deed or Act, do affirm or set forth that the King of this Realm for the Time being is not or ought not to be Supream Head in Earth of the Church of *England* and *Ireland*, or of any of them, immediately under God: or shall by Writing, Printing, Overt-deed or Act, after the said first Day of *March* affirm or set forth, that the Bishop of *Rome*, or any other Person or Persons, other than the King of *England* for the Time being, is or ought to be by the Laws of God or otherwise, the Supream Head in Earth of the same Churches, or of any of them; or do after the said first Day of *March* compass or imagine by Writing, Printing, Overt-deed or Act, to depose or deprive the King, his Heirs or Successors, Kings of this Realm, from his or their Royal Estate or Titles of the King of *England*, *France* or *Ireland*, or of any of them; or by any Writing, Printing, Overt-deed or Act, do affirm that any other Person or Persons, other than the King, his Heirs and Successors, is or of Right ought to be King of the Realms of *England*, *France* or *Ireland*, or to have and enjoy the same or any of them; that then every such Offence or Offences shall be deemed and adjudged High Treason, and the Offender and Offenders, their Aiders, Comforters, Abettors, Procurers and Counsellors, therein convicted or attainted according to the Laws and Statutes of this Realm, shall be deemed and adjudged High Traitors, and shall suffer Pains of Death, and lose and forfeit all their Goods and Chattels, Lands and Tenements to the King, as in Cases of High Treason.

It shall be High Treason to affirm by Writing, Printing or Deed, that the King is not supream Head of the Church, or that any other is, or, &c. Repealed 1 & 2 Ph. & M. c. 8.

VIII. Provided always, and be it enacted by the Authority aforesaid, That this Statute, or any Thing therein contained, shall not in any wise extend to repel, annul or make frustrate or void, any Act or Acts of Parliament, Statute or Statutes made concerning the counterfeiting or forging of any of the Coins of this Realm; or of the Coin of any other Realm or Realms, current within this Realm; or for clipping, washing or filing of any of the said Coins, or for or concerning the bringing into this Realm of counterfeit Money or Coin; ne to any Statute made in the xxvii. Year of the said late King *Henry* the Eighth, concerning the false Forging and Counterfeiting of the King's Signs Manual, Privy Signet or Privy Seal; ne to their Counsellors, Procurers, Aiders and Abettors, nor to any Article or Branch concerning the same Offences or any of them, contained in the same Statutes or any of them.

To which Acts of Parliament this Statute extendeth not.

27 H. 8. c. 2.

No. 18.
1 Edward VI. c. 12.

It shall be High Treason to interrupt any Person to whom the Crown is limited by the Statute of 35 H. 8. c. 1.

IX. And be it further enacted by the Authority aforesaid, That if any of the Heirs of the King our said Sovereign Lord that now is, or any Person or Persons to whom the Crown and Dignity of this Realm is limited and appointed by Act of Parliament made in the xxv. Year of the Reign of the said late King *Henry* the Eighth, or the Heirs of any of them, do at any Time hereafter usurp the one of them upon the other in the Crown of this Realm, or demand, challenge or claim the same otherwise, or in any other Form or Degree of Descent or Succession, or in any other Course, Form, Degree or Condition, but only in such Manner and Form as is declared by the said Statute; or if any of the said Heirs or Persons aforesaid do interrupt or let the King's Highness that now is, peaceably and quietly to keep, have and enjoy the said Imperial Crown; that then all and singular the Offenders, their Aiders, Comforters, Abettors, Procurers and Counsellors therein, shall be deemed and adjudged High Traitors, and shall suffer and incur the Pains of Death, Losses and Forfeitures, as is aforesaid, in Cases of High Treason.

The Offenders in these Felonies shall be excluded of their Clergy and Sanctuary by 2 & 3 Ed. 6. c. 33.

Persons stealing one Horse are ousted of Clergy, &c.

Clergy allowed in all other Cases of Felony. Sanctuaries extinct.

X. And it is further ordained and enacted by the Authority aforesaid, That no Person or Persons that heretofore hath been, or at any Time hereafter shall be, in due Form of the Laws, attainted or convicted of Murder of Malice prepensed, or of Poisoning of Malice prepensed; or of breaking of any House by Day or by Night, any Person being then in the same House where the same breaking heretofore hath been or hereafter shall be committed, and heretofore hath been or hereafter shall be thereby put in Fear or Dread; or of or for robbing of any Person or Persons in the Highway, or near to the Highway; or for felonious stealing of Horses, Geldings, or Mares; or of felonious taking of any Goods out of any Parish Church, or other Church or Chapel; or being indicted or appealed of any of the same Offences, and thereupon found guilty by Verdict of twelve Men, or shall confess the same upon his or their Arraignment, or will not answer directly, according to the Laws of this Realm, or shall stand wilfully, or of Malice mute, shall not be admitted to have or enjoy the Privilege or Benefit of his Clergy or Sanctuary, but shall be put from the same: And that in all other Cases of Felony, other than such as are before-mentioned, all and singular Person and Persons, which after the first Day of *March* next coming shall be arraigned or found guilty upon his or their Arraignment, or shall confess the same, or stand mute, in Form aforesaid, or will not answer directly in Form abovesaid, shall have and enjoy the Privilege and Benefit of his or their Clergy, the Liberty and Privilege of Sanctuary, in like Manner and Form as he or they might or should have done before the four and twentieth Day of *April* in the first Year of the Reign of the said late King *Henry* the Eighth.

Statutes made during the Reign of King

XI. Provided always, and be it enacted by the Authority aforesaid, That all Clauses, Articles and Sentences mentioned or specified in any Act or Acts of Parliament, Statute or Statutes

No. 18. 1 Edward VI. c. 12.

made in the Time of the Reign of the said late King *Henry* the Eighth, touching or in any wise concerning any manner of Challenge for the County, Hundred, or peremptory Challenge, or any of them, or touching or in any wise concerning any manner of Trial of foreign Pleas pleaded by Murderers, Felons or other Offenders, shall, as concerning the said Challenges and Trials, remain in their Force and Strength not repealed; any Thing in this Act mentioned sounding or seeming to the contrary in any wise notwithstanding.

H. 8. touching Challenges and foreign Pleas, confirmed.

XII. Provided also, and be it ordained and enacted by the Authority aforesaid, That this Act of Parliament or any Thing therein mentioned, as concerning the Repeal of any Estatute or Estatutes made touching Treason or Misprision of Treason, shall not in any wise give any Manner of Benefit, Advantage or Commodity to any Person or Persons, being the last Day of *October* last past arrested or imprisoned for Treason, Petit Treason, or Misprision of Treason, or to any Person or Persons heretofore being indicted of Treason, Petit Treason, or Misprision of Treason, or to any other Person or Persons being likewise convicted, outlawed or attainted of Treason, Petit Treason, or Misprision of Treason, or being fled beyond the Seas, or into *Scotland*, before the said last Day of *October* last past, for any Treason, Petit Treason or Misprision of Treason; but that they and every of them shall suffer such Pains of Death, Losses and Forfeitures of Lands and Goods, as in Cases of Treason, as though this Act had never been had or made; any Thing in this Act to the contrary in any wise notwithstanding; and that the Laws and Statutes repealed by this Act shall stand against them and every of them in full Strength, Virtue, Force and Effect concerning all and every Offence by them or any of them heretofore committed or done.

This Statute shall not extend to those that be arrested, imprisoned, indicted, convicted, outlawed, attainted, or fled for Treason.

XIII. Provided also, and be it ordained and enacted by the Authority aforesaid, That all wilful Killing by poisoning of any Person or Persons, that at any Time hereafter shall be done, perpetrated or committed, shall be adjudged, taken and deemed wilful Murder of Malice prepensed; and that the Offenders therein, their Aiders, Abettors, Procurers and Counsellors shall suffer Death, and forfeit in every Behalf as in other Cases of wilful Murder of Malice prepensed.

Wilful Killing by poisoning shall be adjudged Murder.

XIV. And over that, be it enacted by the Authority aforesaid, That in all and every Case and Cases, where any of the King's Majesty's Subjects shall and may, upon his Prayer, have the Privilege of Clergy as a Clerk convict, that may make Purgation; in all those Cases and every of them, and also in all and every Case and Cases of Felony, wherein the Privilege and Benefit of Clergy is restrained, excepted or taken away by this Statute or Act, (wilful Murder and Poisoning of Malice prepensed only excepted) the Lords and Lords of the Parliament, and Peer and Peers of the Realm, having Place and Voice in Parliament, shall by Virtue of this present Act, of Common Grace, upon his or their Request or Prayer, alledging that he is a Lord or Peer of this Realm, and claim-

A Lord of the Parliament shall have his Clergy for his first Offence of Felony, though he cannot read, and without burning.

No. 18. 1 Edward VI. c. 12. ing the Benefit of this Act, though he cannot read, without any burning in the Hand, Loss of Inheritance or Corruption of his Blood, be adjudged, deemed, taken and used for the first Time only, to all Intents, Constructions, and Purposes, as a Clerk convict, and shall be in Case of a Clerk convict, which may make Purgation, without any further or other Benefit or Privilege of Clergy to any such Lord or Peer from thenceforth at any Time after for any Cause to be allowed, adjudged or admitted; any Law, Statute, Usage, Custom, or any other Thing to the contrary in any wise notwithstanding.

Trial by Peers of a Lord of the Parliament.

XV. Provided always, That if any of the said Lords of the Parliament, or any of the Peers of this Realm for the Time being, shall fortune to be indicted of any of the Offences limited in this Act; that then they and every of them shall have his or their trial by their Peers, as it hath been used heretofore in Cases of High Treason.

Bigamus allowed his Clergy.

XVI. And be it further enacted by the Authority aforesaid, That if any Person or Persons, that by this Statute or by any other Statutes or Laws of this Realm ought to have or be admitted to the Benefit of his or their Clergy; that the same Person and Persons shall be from henceforth admitted and allowed to have his or their Clergy, although they or any of them have been divers and sundry Times married to any single Woman or single Women, or to any Widow or Widows, or to two Wives or more; any Law, Statute or Usage to the contrary in any wise notwithstanding.

The Wife shall be endowed tho' her Husband be attainted of Treason, &c. Altered for High Treason, by 5 & 6 Ed. 6. c. 11 § 9.*

* *For* § 9. *read* § 13.

XVII. And over that it is ordained and enacted by the Authority aforesaid, That albeit any Person or Persons of what Estate, Condition or Degree he or they be, shall hereafter fortune to be attainted, convicted or outlawed of any Treason, Petit Treason, Misprision of Treason, Murder or Felony whatsoever, yet that notwithstanding, every Woman that is or shall fortune to be Wife of the Person so attainted, convicted or outlawed, shall be endowable and enabled to demand, have and enjoy her Dower in like Manner and Form as though her Husband had not been attainted, convicted or outlawed; any Statute, Law, Usage, or Custom to the contrary in any wise notwithstanding: Saving to all and every other Person and Persons, Bodies Politick and Corporate, their Heirs and Successors, and to every of them, (other than to such Offender or Offenders as shall be attainted, convicted or outlawed) all such Right, Title, Interest, Entry, Leases, Possession, Condition, Profit, Commodity and Hereditaments, as they or any of them had or should or of Right ought to have before or at the Time of the said Attainder, Conviction or Utlagary.

A Confirmation of the Statute 27 H. 8. c. 17. concerning a Servant taking his Master's Goods.

XVIII. Provided also, and be it enacted by the Authority aforesaid, That one Act made at the Parliament holden at *Westminster* upon divers Prorogations the iv Day of *February* in the xxvij. Year of the said late King *Henry* the Eighth, and there continued and kept until the xxiv. Day of *April* then next ensuing, concerning and touching the felonious taking away by any Servant the Goods or Chattels of the Master or

Mistress, and all Articles and Sentences contained in the same Act, shall stand, be and remain in full Strength, Force and Effect, in such Manner and Form as it did before the making of this present Act; the Repeal or Revocation of the Acts abovesaid to the contrary notwithstanding.

No. 18. 1 Edward VI. c. 12.

XIX. Provided alway, and be it enacted by the Authority aforesaid, That no Person or Persons shall in any wise be impeached or put to answer for any of the Offences abovesaid concerning Treason by open Preaching or Words only, unless the Party, Offender or Offenders be thereof accused within thirty Days next after the same open Preaching or Words so spoken or declared, if the Accusers shall fortune to be within this Realm, during the said Space of thirty Days next after the said Offence committed or done: And if the Accusers shall happen to be out of this Realm during the said Space of thirty Days, then the Party or Parties so offending shall be accused as is aforesaid, within six Months next after the same Preaching, or Words so spoken or declared; or else the Party or Parties so offending, their Aiders, Comforters, Abettors and Counsellors, or any of them, not to be impeached, or put to answer for any such Offence or Offences: And that the same Accusation or Accusations so to be had, made and declared, shall be made to one of the King's Council, or to one of the King's Justices of Assise, or else to one of the King's Justices of Peace, being of the *Quorum*, or to two Justices of the Peace within the Shire where the same Offence or Offences shall happen to be done or committed; any Thing in this Act contained to the contrary thereof notwithstanding.

Within what Time after the Offence committed the Offender must be accused.

To whom the Accusation must be made.

XX. Provided also, and be it declared and enacted by the Authority aforesaid, That Concealment, or keeping secret any High Treason, shall be from henceforth adjudged, deemed and taken Misprision of Treason, and the Offender therein shall forfeit and suffer as in Cases of Misprision of Treason, as heretofore hath been used; any Thing above-mentioned to the contrary notwithstanding.

Keeping secret High Treason is Misprision of Treason.

XXI. Provided also, and be it declared and enacted by the Authority abovesaid, That this Act, or any Thing therein contained, shall not extend to charge, or make any Person or Persons to be Offender or Offenders in any of the Articles abovesaid, for calling, naming, saying, writing or printing the *French* King for the Time being, by the Name of the King of *France* or *French* King: any Thing above declared and enacted to the contrary in any wise notwithstanding.

The French King or King of France may be so called.

XXII. Provided always, and be it enacted by the Authority aforesaid, That no Person or Persons, after the first Day of *February* next coming, shall be indicted, arraigned, condemned or convicted for any Offence of Treason, Petit Treason, Misprision of Treason, or for any Words before specified to be spoken after the said first Day of *February*, for which the same Offender, Speaker, Offenders or Speakers, shall in any wise suffer any Pains of Death, Imprisonment, Loss or

No Indictment or Arraignment without two Witnesses or Confession.

No. 18. 7 Edward VI. c. 12. Forfeiture of his Goods, Chattels, Lands or Tenements; unless the same Offender, Speaker, Offenders or Speakers, be accused by two sufficient and lawful Witnesses, or shall willingly without Violence confess the same.

No. 19.

3 and 4 Edward VI. c. 5.—It shall be High Treason for twelve Persons or above, being assembled together, to attempt to kill or imprison any of the King's Council, or to alter any Laws, and to continue together by the Space of an Hour, being commanded by a Justice of Peace, Mayor, Sheriff, &c. to return. And it shall be Felony for twelve Persons or above, to practise to destroy any Park, Pond, Conduit or Dove-house, or to have Common or Way in any Ground, or to pull down any Houses, Barns, or Mills, or to burn any Stack of Corn, or to abate the Rents of any Lands, or the Prices of any Victual, and to continue together an Hour, being commanded by a Justice of Peace, Sheriffs, Bailiffs, &c. by Proclamation to return. EXP. 7 Ed. 6. cap. 11. and REP. 1 M. 1. sess. 2. cap. 11.

No. 20.

5 and 6 Edward VI. c. 11.—An Act for the Punishment of divers Kinds of Treasons.

No. 20. 5 and 6 Edward VI. c. 11. 'I. FORASMUCH as it is most necessary both for common 'Policy and Duty of Subjects, above all Things to 'prohibit, restrain and extinct all Manner of shameful Slanders which might grow, happen or arise to their Sovereign 'Lord the King's Majesty, which when they be heard, seen 'or understood, cannot be but odible, and also abhorred of all 'those Sorts that be true and loving Subjects, if in any Point 'they may, do or shall touch his Majesty, upon whom dependeth the whole Unity and universal Weal of this Realm, 'without providing wherefore too great a Scope of unreasonable Liberty should be given to all cankered and traiterous 'Hearts, and the King's loving Subjects should not declare 'unto their Sovereign Lord now being, which unto them hath 'been and is most entirely both beloved and esteemed, their 'undoubted Sincerity and Truth:'

II. Be it therefore enacted by the Assent and Consent of our Sovereign Lord the King, and the Lords Spiritual and Temporal, and the Commons, of this present Parliament assembled, and by the Authority of the same, That if any Person or Persons after the first Day of *June* next coming, by

open Preaching express Words or Sayings, do expresly, directly and advisedly set forth and affirm, that the King that now is, is an Heretick, Schismatick, Tyrant, Infidel or Usurper of the Crown, or that any his Heirs or Successors to whom the Crown of this Realm is limited by Authority of Parliament, holden in the five and thirtieth Year of the Reign of the late King *Henry* the Eighth, being in lawful Possession of the Crown, is an Heretick, Schismatick, Tyrant, Infidel or Usurper of the Crown, that then every such Offender being thereof duly convicted or attainted by the Laws of this Realm, their Abettors, Procurers and Counsellors, and all and every their Aiders and Comforters, knowing the said Offences or any of them to be done, for his or their such first Offence, shall lose and forfeit to the King all his and their Goods and Chattels, and also shall have and suffer Imprisonment of his and their Bodies at the King's Will and Pleasure. And if any Person being once convicted or attainted of any of the said Offences, shall after his said Conviction or Attainder eftsoones commit or perpetrate any of the Offences before mentioned, in Form aforesaid committed, and shall be thereof duly convicted or attainted by the Laws of this Realm, that then every such Offender and Offenders, their Abettors, Procurers and Counsellors, and all and every their Aiders and Comforters, knowing the said Offences or any of them to be done, for his or their second Offence or Offences, shall lose and forfeit to the King the whole Issues and Profits of all his and their Lands, Tenements and other Hereditaments, Benefices, Prebends and and other Spiritual Promotions for Term of the Life of such Offender or Offenders, and shall also lose and forfeit unto the King all his and their Goods and Chattels, and also suffer during his and their Lives perpetual Imprisonment of his and their Bodies.

No. 20. 5 and 6 Edward VI. c. 11.

III. Provided always, that such of the said Spiritual Promotions as shall be charged with Cure, be always by the King's Majesty, and his Heirs and Successors, sufficiently furnished of a Curate for the Discharge of the same. And if any Person being two Times hereafter convicted or attainted of any of the same Offences in Form aforesaid committed, shall after his second Conviction or Attainder, eftsoons commit or perpetrate again any of the said Offences in Form aforesaid, and be thereof duly convicted or attainted by the Laws and Statutes of this Realm, that then every such third Offence or Offences shall be deemed and adjudged High Treason, and the Offender or Offenders therein, their Abettors, Procurers and Counsellors, and all and every their Aiders and Comforters knowing the said Offences or any of them to be done, being thereof convicted or attainted according to the Laws and Statutes of this Realm, shall be adjudged and deemed High Traytors, and shall suffer Pains of Death, and lose and forfeit all their Goods and Chattels, Lands and Tenements, whereof he or they shall be seised of an Estate of In-

No 20. 5 and 6 Edward VI. c. 11.

heritance in his or their own Right, to the King, as in Cases of High Treason.

IV. And be it further enacted by the Authority aforesaid, That if any Person or Persons at any Time after the said first Day of *June* next coming, by Writing, Printing, Painting, Carving or Graving, do directly, expresly and advisedly publish, set forth and affirm, that the King that now is, or any his Heirs or Successors, limited as is aforesaid, is an Heretick, Schismatick, Tyrant, Infidel, or Usurper of the Crown, that then every such Offence and Offences shall be deemed and adjudged High Treason, and the Offender and Offenders, their Abettors, Procurers and Counsellors, and all and every their Aiders and Comforters, knowing the said Offences or any of them to be done, being thereof convicted or attainted according to the Laws and Statutes of this Realm, shall be deemed and adjudged High Traytors, and shall suffer Pains of Death, and lose and forfeit all their Goods and Chattels, Lands and Tenements to the King, as in Cases of High Treason.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons after the said first Day of *June* next coming, rebelliously do detain, keep or withhold from our said Sovereign Lord, his said Heirs and Successors, any of his or their Castles, Fortresses, Fortilesses or Holds within this Realm, or in any other the King's Dominions or Marches, or rebelliously keep, detain or withhold from the said King's Highness, his said Heirs or Successors, any of his or their Ships, Ordinances, Artillery or other Munitions or Fortifications of War, and do not obediently render and give up to our said Sovereign Lord, his said Heirs and Successors, or to such Persons as shall be deputed by them or any of them, such Castles, Fortresses, Fortilesses, Holds, Ships, Ordinances, Artillery or other Munitions and Fortifications of War, rebelliously kept and detained, within six Days next after they shall be commanded by our said Sovereign Lord, his said Heirs or Successors, by open Proclamation under the Great Seal, the same Proclamation to be made in such Place and Order, so as the Party and Parties to be charged by this Act may conveniently have Notice or Knowledge thereof: That then every such Person or Persons so offending in any of the Premisses after the said first Day of *June*, their Abettors, Procurers and Counsellors, and all and every their Aiders and Comforters, knowing the said Offences or any of them to be done, being lawfully convicted of the rebelliously keeping and detaining thereof, according to the Laws and Statutes of this Realm, shall be adjudged Traytors, and shall suffer Pains of Death, and lose and forfeit all their Goods and Chattels, Lands and Tenements unto the King, as in Cases of High Treason.

Before whom Treasons committed out of the Realm shall be tried.

VI. And over that be it enacted by the Authority aforesaid, That if any of the King's Subjects, Denizens or other, do commit or practise out of the Limits of this Realm in any outward Parts, any the Offences which by this Act are made, or heretofore now standing in Force have been made Treason,

That then such Treasons, whatsoever they be, or wheresoever they should happen so to be done or committed, shall be enquired and presented by the Oaths of xii. good and lawful Men, upon good and probable Evidence and Witness, in such Shire and County of this Realm, and before such Persons, as it shall please the King, his said Heirs or Successors, to appoint by Commission under his Great Seal, in like Manner and Form as Treasons committed within this Realm have been used to be enquired of and presented: And that upon every Indictment and Presentment founden and made of such Treasons, and certified into the King's Bench, like Process and other Circumstance shall be there made and had against the Offenders, as if the same Treason so presented had been lawfully found to be done and committed within the Limits of this Realm.

No 20. 5 and 6 Edward VI. c. 11.

VII. And that all Process of Outlawry hereafter to be had and made within this Realm, against any Offenders in Treason being Resiant or Inhabitant out of the Limits of this Realm, or in any the Parts beyond the Sea, at the Time of the Outlawry pronounced against them, shall be as good and effectual in the Law to all Intents and Purposes, as if any such Offenders had been resident and dwelling within this Realm at the Time of such Process awarded and Outlawry pronounced.

Process of Outlawry awarded against an Offender in Treason, being out of the Realm.

VIII. Provided always, and be it enacted by the Authority aforesaid, That if the Party so hereafter to be outlawed, shall within one Year next after the said Outlawry pronounced or Judgment given upon the said Outlawry, yield himself unto the Chief Justice of *England* for the Time being, and offer to traverse the Indictment or Appeal whereupon the said Outlawry shall be pronounced as is aforesaid, That then he shall be received to the said Traverse, and being thereupon found Not guilty by the Verdict of xii. Men, he shall be clearly acquitted and discharged of the said Outlawry, and of all Penalties and Forfeitures by reason of the same, in as large and ample Manner and Form as though no such Outlawry had been made; any Thing herein contained to the contrary in any wise notwithstanding.

The Party outlawed yieldeth himself to the Chief Justice of England.

IX. And be it further enacted by the Authority aforesaid, That every Offender or Offenders being hereafter lawfully convict of any manner of High Treason, by Presentment, Confession, Verdict or Process of Outlawry, according to the due Course and Custom of the Laws of this Realm, shall lose and forfeit to the King's Highness, his Heirs and Successors aforesaid, all such Lands, Tenements and Hereditaments which any such Offender or Offenders shall have of any Estate of Inheritance in his own Right, in Use or Possession, within this Realm of *England*, or elsewhere within any of the King's Dominions, at the Time of any such Treasons committed, or any Time after.

Forfeiture by Attainder of Treason of Lands in Fee-tail.

X. And it is further enacted by the Authority aforesaid, That no Person or Persons shall in any wise be impeached for

Within what Time and be-

No.
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fore whom the Offender must cused.

any of the Offences abovesaid, committed only by open Preaching or Words, unless the Offender or Offenders be thereof accused within three Months next after the same open Preaching and Words, and that the same Accusation or Accusations be had, made and declared to one of the King's Council, or to one of the King's Justices of Assise, or else to one of the King's Justices of the Peace, being of the *Quorum*, or to two Justices of the Peace within the Shire where the same Offence or Offences shall happen to be done or committed; any Thing contained in this Act to the contrary thereof in any wise notwithstanding.

Concealment of High Treason is Misprision of Treason

XI. Provided also, and be it declared and enacted by the Authority aforesaid, That Concealment or keeping secret of any High Treason, be deemed and taken only Misprision of Treason, and the Offender therein to forfeit and suffer as in Cases of Misprision of Treason, as heretofore hath been used; any Thing above mentioned to the contrary notwithstanding.

No Person shall be attainted of Treason but upon the Testimony of two lawful Accusers.

XII. Provided always, and be it enacted by the Authority aforesaid, That no Person or Persons, after the first Day of *June* next coming, shall be indicted, arraigned, condemned, convicted or attainted for any of the Treasons or Offences aforesaid, or for any other Treasons that now be, or hereafter shall be, which shall hereafter be perpetrated, committed or done, unless the same Offender or Offenders be thereof accused by two lawful Accusers; which said Accusers at the Time of the Arraignment of the Party accused, if they be then living, shall be brought in Person before the Party so accused, and avow and maintain that they have to say against the said Party, to prove him guilty of the Treasons or Offences contained in the Bill of Indictment laid against the Party arraigned; unless the said Party arraigned shall willingly without Violence confess the same:

The Right of others saved.

Saving to every Person and Persons, their Heirs and Successors, other than the Offenders and their Heirs, and such Person and Persons as claim to any their Uses, all such Rights, Titles, Interest, Possessions, Leases, Rents, Reversions, Offices and other Profits, which they or any of them shall have at the Day of committing such Treasons, or at any Time after, in as large and ample Manner as if this Act had never been had nor made.

The Wife shall lose her Dower where the Husband is attainted of High Treason.

XIII. Provided also, and be it enacted by the Authority aforesaid, That the Wife or Wives whose Husband or Husbands hereafter shall be attainted of Treasons specified in this Act, or of any other Treasons whatsoever they be, shall in no wise be received to ask, challenge, demand or have Dower of any the Lands, Tenements or Hereditaments of any the Person or Persons to be attainted of Treason as is aforesaid, during the said Attainder in his Force; any Thing before-mentioned to the contrary in any wise notwithstanding.

No. 21.

1 Mary, sess. 1. c. 1.—An Act repealing and taking away certain Treasons, Felonies and Cases of *Premunire*.

'FORASMUCH as the State of every King, Ruler and 'Governor of any Realm, Dominion or Commonalty, 'standeth and consisteth more assured by the Love and Fa-'vour of the Subject toward their Sovereign Ruler and Gover-'nor, than in the Dread and Fear of Laws made with rigor-'ous Pains and extreme Punishment for not obeying of their 'Sovereign Ruler and Governor: And Laws also justly made 'for the Preservation of the Commonweal, without extreme 'Punishment or great Penalty, are more often for the most 'Part obeyed and kept, than Laws and Statutes made with 'great and extreme Punishments, and in special such Laws 'and Statutes so made, whereby not only the ignorant and 'rude unlearned People, but also learned and expert People, 'minding Honesty, are often and many Times trapped and 'snared, yea many Times for Words only, without other Fact 'or Deed done or perpetrated:

No. 1 Mary, sess. 1. c. 1.

The State of a King standeth more assuredly by the Love of his Subjects, than in Fear of Laws.

'II. The Queen's most excellent Majesty, calling to Re-'membrance that many, as well honourable and noble Per-'sons, as other of good Reputation within this her Grace's 'Realm of *England*, have of late (for Words only, without 'other Opinion, Fact or Deed) suffered shameful Death, not 'accustomed to Nobles; her Highness therefore of her accus-'tomed Clemency and Mercy, minding to avoid and put away 'the Occasion and Cause of like Chances hereafter to ensue, 'trusting her loving Subjects will, for her Clemency to them 'shewed, love, serve, and obey her Grace the more heartily 'and faithfully, than for Dread or Fear of Pains of Body, is 'contented and pleased that the Severity of such like extreme, 'dangerous and painful Laws, shall be abolished, annulled and 'made frustrate and void.'

III. Be it therefore ordained and enacted by the Queen our Sovereign Lady, with the Assent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, That from henceforth none Act, Deed or Offence, being by Act of Parliament or Statute made Treason, Pety Treason or Misprision of Treason, by Words, Writing, Ciphering, Deeds or otherwise whatsoever, shall be taken, had, deemed, or adjudged to be High Treason, Pety Treason or Misprision of Treason, but only such as be declared and expressed to be Treason, Pety Treason or Misprision of Treason, in or by the Act of Parliament or Statute made in the xxv. Year of the Reign of the most noble King of famous Memory, King *Edward* the Third, touching or concerning Treason or the Declarations of Treasons, and none other; nor that any Pains of Death, Penalty or Forfeiture in any wise ensue or be to any Offender or Offenders, for the Doing or Committing any Treason, Pety Treason

No Act or Offence shall be Treason, Pety Treason or Misprision, but such as be declared by the Stat. of 25 Ed. 3.

No. 21. 1 Mary, sess. 1. c. 1.

or Misprision of Treason, other than such as be in the said Estatute made in the said xxv. Year of the Reign of the said King *Edward* the Third, ordained and provided; any Act or Acts of Parliament, Statute or Statutes, had or made at any Time heretofore or after the said xxv. Year of the Reign of the said late King *Edward* the Third, or any other Declaration or Matter to the contrary in any wise notwithstanding.

Certain Persons exempted out of the Benefit of this Statute.

IV. Provided always, and be it ordained and enacted by the Authority aforesaid, That this Act of Parliament, or any Thing therein mentioned, shall not in any wise extend to give any Manner of Benefit, Advantage or Commodity to any Person or Persons, being the last Day of *September* last past arrested or imprisoned for Treason, Pety Treason or Misprision of Treason, or to any Person or Persons heretofore being indicted of Treason, Pety Treason or Misprision of Treason, or being outlawed or attainted of Treason, Pety Treason or Misprision of Treason, before the said last Day of *September* last past, or being commanded to keep his or their House or Houses, or other Men's Houses, or otherwise excepted out of the Queen's Highness' most gracious Pardon given the Day of her Coronation, but that they and every of them, for any the Offences before-mentioned, perpetrated, committed or done by them or any of them, before the said last Day of *September*, shall suffer such Pains of Death, Losses and Forfeitures of Lands and Goods, as in Cases of Treason, as though this Act had never been had ne made; any Thing in this Act to the contrary in any wise notwithstanding.

All Offences made Felony, or in the Case of Premunire, since Anno 1 H. 8. repealed.

V. And be it further ordained and enacted by the Authority aforesaid, That all Offences made Felony, or limited or appointed to be within the Case of *Premunire*, by any Act or Acts of Parliament, Statute or Statutes, made sithence the first Day of the first Year of the Reign of the late King of famous Memory, King *Henry* the Eighth, not being Felony before, nor within the Case of *Premunire*, and also all and every Branch, Article and Clause mentioned or in any wise declared in any of the same Estatutes, concerning the making of any Offence or Offences to be Felony, or within the Case of *Premunire*, not being Felony nor within the Case of *Premunire* before, and all Pains and Forfeitures concerning the same, or any of them, shall from henceforth be repealed, and utterly void and of none Effect.

No. 22.

1 Mary, sess. 2. c. 6.—An Act that the Counterfeiting of strange Coins being current within this Realm, the Queen's Highness Sign Manual, Signet or Privy Seal, to be adjudged Treason.

No. 22. 1 Mary, sess. 2. c. 6.

'FORASMUCH as by the Laws of this Realm small and 'no due and condign Punisment is at this present Time pro-'vided for such evil disposed Persons as shall counterfeit or

'forge such Kind of Gold or Silver of other Realms, as is not 'the proper Coin of this Realm, and yet permitted and suf- 'fered by the Queen our Sovereign Lady's Consent, and here- 'tofore hath been permitted and suffered by the Consent of her 'most noble Progenitors, to be currant in Payment within this 'her Realm, nor for such Persons as shall counterfeit the 'Queen's Highness Sign Manual, or Privy Signet or Privy 'Seal; by reason whereof divers evil disposed Persons are 'encouraged and boldned daily to perpetrate and commit the 'said several Offences.'

No. 22. 1 Mary, sess. 2. c. 6.

II. For Remedy whereof, be it enacted by our said Sovereign Lady the Queen, the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons hereafter falsly forge and counterfeit any such kind of Coin of Gold or Silver, as is not the proper Coin of this Realm, and is or shall be currant within this Realm by the Consent of the Queen, her Heirs or Successors: Or if any Person or Persons at any Time hereafter do falsly forge or counterfeit the Queen's Sign Manual, Privy Signet or Privy Seal; that then every such Offence shall be deemed and judged High Treason. And the Offenders therein, their Counsellors, Procurers, Aiders and Abettors, being convict according to the Laws of this Realm of any of the said Offences, shall be likewise deemed and adjudged Traitors against the Queen, her Heirs and Successors, and the Realm, and shall suffer and have such Pains of Death, Forfeiture of Lands, Goods and Chattels, and also lose the Privilege of all Sanctuary, as in the Case of High Treason is used and ordained.

Treason to forge the Coin of other Realms currant in this Realm or the King's Sign Manual, &c.

No. 23.

1 and 2 Philip and Mary, c. 3.—A Confirmation of the Statute of 3 *Ed.* 1. c. 34. and 2 *R.* 2. *Stat.* 1. c. 5. touching telling of News. Justices of Peace in every Shire, City, &c. shall have Authority to hear and determine the said Offences, and to put the said two Statutes in Execution. If any Person shall be convicted or attainted for speaking maliciously of his own Imagination, any false, seditious and slanderous News, Saying, or Tales, of the King or Queen, then he shall for his first Offence be set on the Pillory in some Market-Place near where the Words were spoken, and have both his Ears cut off, unless he pay to the Queen an hundred Pound within one Month after Judgment given, and also shall be three Months imprisoned: And if he shall speak any such slanderous and seditious News or Tales of the Speaking or Report of any other, then he shall

be set on the Pillory, and have one of his Ears cut off, unless he pay an hundred Marks to the Queen's Use within one Month after, and shall be one Month imprisoned: And if he shall do it by Book, Rhime, Ballad, Letter or Writing, he shall have his right Hand stricken off. And if any Person being once convicted of any of the Offences aforesaid, do afterward offend, he shall be imprisoned during his Life, and forfeit all his Goods and Chattels. EXP. 4 and 5 *Ph.* and *M.* c. 9. 1 *Eliz*, c. 6.

No. 24.

1 and 2 Philip and Mary, c. 9.—If any Person shall pray or desire that God will shorten the Queen's Days, or take her out of the Way, or any such malicious Prayer, amounting to the same Effect, he, his Procurators and Abettors shall be adjudged Traytors. EXP. 1 *El.* c. 6. 23 *El.* c. 2.

No. 25.

1 and 2 Philip and Mary, c. 10.—An Act whereby certain Offences be made Treasons, and also for the Government of the King's and Queen's Majesties' Issue

No. 25. 1 and 2 Philip and Mary, c. 10.

'FORASMUCH as the great Mercy and Clemency heretofore declared by the Queen's Highness in releasing the 'penal Laws made by her Progenitors, hath given Occasion 'to many cankard and trayterous Hearts to imagine, practise 'and attempt Things, stirring the People to Disobedience and 'Rebellion against her Highness; common Policy and Duty 'of Subjects require, that some Law be eftsones established, to 'restrain the Malice of such wicked and evil Doers, whereby 'they may be prohibited to blow abroad such shameful Slan-'ders and Lies as they daily invent and imagine of her High-'ness and the King's Majesty her most lawful Husband, which 'when they be heard cannot be but odible and detested of all 'good Men, considering they touch their Majesties, upon 'whom dependeth the whole Unity and universal Wealth of 'this Realm:'

"If any Person during the Marriage between the King and "the Queen's Majesties do compass or imagine to deprive the "King's Majesty from the having with the Queen the Stile, "Honour and kingly Name, or to destroy the King, or to "levy War within this Realm against the King or Queen, "or any of her Heirs, being Kings or Queens of this Realm, or "to depose the Queen or the Heirs of her Body; and the same "utter by open Preaching, express Words or Sayings: Or if

No. 95. 1 and 2 Philip and Mary. c. 10.

" any Person by Preaching, express Words or Sayings, shall " maliciously, advisedly and directly say, or hold Opinion, " that the King ought not to have with the Queen the Stile, " Honour and kingly Name of this Realm, or that the Queen " is not or of Right ought not to be Queen, or that the Heirs " of her Body being Kings and Queens of this Realm, ought ' not to be Kings and Queens of this Realm, every such Offen- ' der shall forfeit all his Goods and Issues of his Lands for ' Life, as also shall have perpetual Imprisonment. EXP. ' Ecclesiastical Persons, being convicted for such Offence, ' shall be deprived: And if any Person convicted of the said ' Offences shall after Conviction eftsones commit any of the ' said Offences, such second Offences shall be adjudged High ' Treason. If any Person during the said Marriage compass ' or imagine the Death of the King, and the same maliciously, ' advisedly and directly shall utter and attempt by any Writ- ' ing, Printing, overt Deed or Act; or if any Person shall ' maliciously, advisedly and directly, by Writing, Print- ' ing, overt Deed or Act, affirm, that the King ought ' not to have with the Queen the Stile, Honour and kingly ' Name of this Realm: Or by Writing, Printing, overt " Deed or Act, maliciously, advisedly and directly, affirm, that " the Queen is not, or ought not to be Queen; that the Heirs " of her Body, being Kings, &c. of Right ought not to have " the Crown, such Offence shall be adjudged High Trea- " son. EXP."

' V. And albeit we the Lords Spiritual and Temporal, ' and the Commons, in this present Parliament assembled, ' have firm Hope and Confidence in the Goodness of Almighty ' God, that like as he hath hitherto miraculously preserved ' the Queen's Majesty from many great and eminent Pe- ' rils and Dangers, even so he will of his infinite Goodness ' give her Highness Strength, the rather by our continual ' Prayers, to pass well the Danger of Deliverance of Child, ' wherewith it hath pleased him (to all our great Comforts) to ' bless her: Yet forasmuch as all Things of this World be un- ' certain, and having before our Eyes the dolorous Experience ' of the inconstant Government during the Time of the Reign ' of the late King *Edward* the Sixth, do plainly see the mani- ' fold Inconveniences, great Dangers and Perils, that may ' ensue to this whole Realm, if Foresight be not used to pre- ' vent evil Chances if they should happen:' For the eschewing whereof we the Lords Spiritual, &c.

" If it please God to call the Queen before the Issue of her " Body inheritable, if it be Male shall accomplish the Age of " xviii. Years, or if Female before it shall be of the Age " xv. Years and not married, the King shall have the Educa- " tion and Government of such Issue, and of this Realm, " until the Issue inheritable, if Male, shall accomplish the Age " of xviii. Years, and if Female, until xv. Years or Marriage: " And during such Government, the Articles comprised in the " Treatises and Act of Parliament concerning the Marriage,

No 25. 1 and 2 Philip and Mary, c. 10. "which on the Behalf of his Majesty been to be performed, "shall continue. If any Person, during the Time that the "King shall have the Government of such Issue, maliciously, "advisedly and directly, by Writing, Printing, Overt deed "or Act, do compass, attempt, and go about to destroy the "Person of the King, or to remove his Highness from the "Government of the same, such Offences shall be adjudged "High Treason. EXP."

VII. And be it further enacted by the Authority aforesaid; That all Trials hereafter to be had, awarded or made for any Treason, shall be had and used, only according to the due Order and Course of the Common Laws of this Realm, and not otherwise: Saving to every Person and Persons, Bodies Politick and Corporate, their Heirs and Successors, other than the Offenders and their Heirs, and such Person and Persons as claim to any of their Uses, all such Rights, Titles, Interests, Possessions, Leases, Rents, Reversions, Offices and other Profits, which they or any of them shall have at the Day of committing such Treasons, or at any Time afore, in as large and ample Manner as if this Act had never been had nor made.

VIII. Provided always, and be it declared and enacted by the Authority aforesaid, That Concealment or keeping secret of any High Treason be deemed and taken only Misprision of Treason, and the Offenders therein to forfeit and suffer, as in Cases of Misprision of Treason hath heretofore been used; any Thing above mentioned to the contrary notwithstanding.

"Peers of this Realm indicted of any the Offences made "Treason or Misprision of Treason by this Act, shall have "their Trial by their Peers. No Persons shall be impeached "for any of the Offences abovesaid, committed only by Preaching or Words, unless the Offender be indicted within six "Months. EXP."

XI. Provided always, and be it enacted by the Authority aforesaid, That upon the Arraignment of any Person which hereafter shall fortune to be arraigned for any Treason mentioned in this Act, all and every such Person and Persons (or two of them at the least) who shall hereafter write, declare, confess, or depose any Thing or Things against the Person to be arraigned, shall, if living, and within the Realm, be brought forth in Person before the Party arraigned if he require the same, and object and say openly in his Hearing, what they or any of them can against him, for or concerning any the Treasons contained in the Indictment, whereupon the Party shall be so arraigned, unless the Party arraigned for any such Treason shall willingly confess the same at the Time of his or their Arraignment.

XII. Provided nevertheless, and be it enacted by the Authority aforesaid, That in all Cases of High Treason, concerning Coin currant within this Realm, or for counterfeiting the King or Queen's Signet, Privy Seal, Great Seal, or Sign

Manual, such manner of Trial and none other be observed and kept, as heretofore hath been used by the Common Laws of this Realm; any Law, Statute, or any other Thing or Things to the contrary notwithstanding.

XIII. Provided always, That the Councellors, Procurers, Comforters, and Abetters, for his or their first Offence shall suffer like Punishment, Penalty and Forfeiture, as is contained in this Act against the principal Offenders for their first Offence, and none other: And that the Councellors, Procurers, Comforters and Abetters, for his or their second Offence shall sustain like Punishment, Penalty and Forfeiture, as is contained in this Act against the principal Offender or Offenders for their second Offence, and none other.

No. 26.

1 Elizabeth, c. 5.—If any Person shall compass or imagine to deprive the Queen or the Heirs of her Body to be begotten, being King or Queen of this Realm, from the Stile or Kingly Name of the Crown of this Realm: Or to destroy the Queen or any the Heirs of her Body, being King or Queen: Or to levy War against the Queen, or any the Heirs of her Body within her Dominions: Or to depose the Queen or any of the Heirs of her Body, &c. from the Imperial Crown of this Realm, and the same Imaginations shall utter by open Words, &c.: Or shall publish, and directly say, That the Queen, during her Life is not, or ought not to be Queen: Or that after her Death, the Heirs of her Body ought not to be King or Queen: Or that any other Person ought to be King or Queen, so long as any of the Heirs of her Body shall be in Life: Then such Offender shall forfeit to the Queen all his Goods and Chattels, and the Profits of his Lands during his Life. And if any Person or Persons shall by Writing, Printing, Overt-Deed or Act, commit any of the Offences aforesaid, it shall be adjudged High Treason. EXP.

No. 27.

Elizabeth, c. 6.—The Penalty mentioned in the Statute of 1 & 2 P. & M. c. 3. for speaking false slanderous News of the King or Queen, or for committing any of the Offences expressed in the said Act, shall be expounded to extend to the Queen that now is, and to the Heirs of her Body. EXP. News.

No. 28.

13 Elizabeth, c. 1.

IT shall be High Treason to intend Destruction or bodily Harm to the Queen, or to levy War, or to move others to War against her, or to affirm, that the Queen ought not to enjoy the Crown, but some other Person; or to publish, That the Queen is an Heretick, Schismatick, Tyrant, Infidel, or Usurper of the Crown; or to claim Right to the Crown, or to usurp the same during the Queen's Life; or to affirm the Right in Succession of the Crown in some other than the Queen; or to affirm, That the Laws and Statutes do not bind the Right of the Crown, and the Descent, Limitation, Inheritance, or Governance thereof.

II. Whosoever shall during the Queen's Life, by any Book, or Work written or printed, expresly affirm, (before the same be established by Parliament) That any one particular Person is or ought to be Heir and Successor to the Queen, except the same be the natural Issue of her Body: or shall wilfully set up in open Place, or spread any Books or Scrowls to that Effect: Or shall print, bind or put to Sale, or utter, cause, &c. any such Book or Writing, he, his Abetters and Counsellers shall for the first Offence be a whole Year Imprisoned, and forfeit half his Goods; and for the second Offence shall incur the Penalty of a Premunire. EXP. 26 H. 8. c. 13. 1 Ed. 6. c. 12. 1 & 2 P. & M. c. 10. 1 El. c. 5.

No. 29.

Felony.

14 Elizabeth, c. 1.—It shall be Felony to take or keep from the Queen any of the Castles, Forts, Holds, &c. or to raise or burn any Castle or Fort having the Queen's Munition or Ordnance therein, or guarded with Soldiers, and advisedly to express the same by Words, Act or Writings. It shall be High Treason to withhold from the Queen any of the Castles, Holds, &c. or any of her Ships, Artillery or Fortification of War; or to burn and destroy any of her Ships, or to bar any Haven; during the Queen's Life. EXP.

No. 30.

Treason.

14 Elizabeth, c. 2.—The Penalty for conspiring, devising or going about to enlarge any Prisoner committed to Prison or Custody by the Queen's special Commandment, for any Treason or Suspicion of

Treason concerning her own Person, and the same Conspiracy, Device, &c. by express Words, Writing or other Matter, manifestly to declare or set forth, before the Prisoner shall be indicted, shall be deemed Misprision of Treason, after Indictment Felony, after Attainder High Treason. EXP.

No. 31.

23 Elizabeth, c. 2.—If any Person shall advisedly and with a malicious Intent, of his own Imagination, speak any false and slanderous News or Tales against the Queen that now is, then he shall have both his Ears cut off, except he pay two hundred Pounds to the Queen's Use in the Exchequer within two Months after Judgment And if he speak such slanderous News of the Report of any other, he shall have one of his Ears cut off, except he pay two hundred Marks, &c. And if any Person once convict shall offend again, it shall be adjudged Felony. And if any Person shall devise, write, print or set forth any Book, Rhime, Ballad, Letter or Writing, containing any false, seditious and slanderous Matter, to the Defamation of the Queen, or to the stirring or moving of any Rebellion: or shall cause any such Book, Rhime, Writing, &c. to be written, printed or published; or shall by setting of any Figure casting of Nativity, or by Calculation, Prophesying, Witchcraft, Conjuration, &c. seek to know, and shall set forth by express Words, Deeds or Writings, how long the Queen shall live, or who shall reign as King or Queen after her Decease; or shall utter any Prophecies to any such Intent; or shall wish or desire the Death or Deprivation of the Queen, or any Thing to the same Effect: Then every such Offence shall be adjudged Felony. EXP. 1 & 2 P. & M. c. 9. 1 Eliz. c. 6. News.

No. 32.

27 Elizabeth, c. 1.—Four and twenty Persons at the least, whereof Part of the Queen's Privy Council, and the Residue being Peers of the Realm, by the Queen's Commission shall examine the Offences of such as shall make any open Invasion or Rebellion within this Realm, or attempt Hurt to the Queen's

Person, by or for any pretended Title to the Crown; who after Judgment given and published by Proclamation, shall be disabled to have or pretend Title to the Crown: And thereupon every Person shall be pursued to Death by all the Queen's Subjects, by whom or whose Means, Assent, or Privity, any such Rebellion shall be denounced to be made, or other Thing attempted, compassed or imagined against the Queen's Person. If any Act shall be executed, whereby the Queen's Life shall be shortened, the Offenders shall be prosecuted to Death, and disabled to pretend Title to the Crown: The Meaning of the Association was to the Effect aforesaid. EXP.

No. 33.

29 Elizabeth, c. 2.—An Act concerning Errors in Records of Attainders of High Treason.

No. 33. 29 Elizabeth, c. 2.

No Record of Attainder of Treason shall be reversed where the Party attainted is executed for the same.

'FORASMUCH as through Corruption or negligent Keeping, the Records of Attainders of Treason happen many Times to be impaired, blemished, or otherwise to be defective,' Be it ordained and enacted by the Authority of this present Parliament, That no Record of Attainder that now is of any Person or Persons of or for any High Treason, where the Party so attainted is or hath been executed for the same Treason, shall by the Heir or Heirs of any such Person, or by any other whatsoever claiming in, from, by or under any such Heir or Heirs, be in any wise hereafter reversed, undone, avoided or impeached by any Plea, or for any Error whatsoever.

Where the Record is reversed, or thereupon a Writ of Error depending.

II. Provided always nevertheless, That this Act, nor any Thing therein contained, shall in any wise extend to any Record of Attainder, of or for any Treason, upon which any Writ of Error is now depending, or which Record is already reversed, repealed or undone, by or for any Error, Matter, Plea or Cause whatsoever; but that the same shall be and remain as unto and against that Party at whose Suit the same Writ of Error is depending, or at whose Pursuit the same Record hath been reversed, repealed and undone, and his and her Heirs and Assigns only, as if this Act had never been had or made; any Thing in this Act to the contrary thereof notwithstanding.

No. 34.

13 Charles II. stat. 1. c. 1.—An Act for Safety and Preservation of his Majesty's Person and Government against treasonable and seditious Practices and Attempts.

No. 35.

13 Charles II. stat. 1. c. 5.—An Act against Tumults and Disorders, upon Pretence of preparing or presenting publick Petitions or other Addresses to his Majesty or the Parliament.*

'WHEREAS it hath been found by sad Experience, 'that tumultuous and other disorderly soliciting and 'procuring of Hands by private Persons to Petitions, Com-'plaints, Remonstrances and Declarations, and other Addres-'ses to the King, or to both or either Houses of Parliament, 'for Alteration of Matters established by Law, Redress of pre-'tended Grievances in Church or State, or other publick Con-'cernments, have been made use of to serve the Ends of fac-'tious and seditious Persons gotten into Power, to the Viola-'tion of the publick Peace, and have been a great Means of 'the late unhappy Wars, Confusions and Calamities in this 'Nation;' for preventing the like Mischiefs for the future, No. 35. 13 Charles II. st. 1. c. 5.

II. Be it enacted by the King's most Excellent Majesty, by and with the Consent of the Lords and Commons assembled in Parliament, and by the Authority of the same, That no Person or Persons whatsoever shall, from and after the first of *August*, one thousand six hundred and sixty-one, solicite, labour, or procure the getting of Hands, or other Consent, of any Persons above the Number of Twenty or more, to any Petition, Complaint, Remonstrance, Declaration, or other Address to the King, or both or either Houses of Parliament, for Alteration of Matters established by Law in Church or State, unless the Matter thereof have been first consented unto and ordered by three or more Justices of that County, or by the major Part of the Grand Jury of the County or Division of the County where the same Matter shall arise, at their public Assizes, or General Quarter Sessions, or if arising in *London*, by the Lord Mayor, Aldermen, and Commons in Common Council assembled; and that no Person or Persons whatsoever shall repair to his Majesty, or both or either of the Houses of Parliament, upon Pretence of presenting or delivering any Petition, Complaint, Remonstrance or Declaration, or other Addresses, accompanied with excessive Number of People, nor at any one Time with above the Number of Ten Persons; upon Pain of incurring a Penalty not exceeding the Sum of One Hundred Pounds in Money, and three Months Imprisonment, without Bail or Mainprize for every Offence; which Offence to be prosecuted at the Court of King's Bench, or at the Assizes or General Quarter Sessions, within six

No Person shall solicit or procure any Petition, &c. for altering any established Law in Church or State.

* In the Case of the King *v.* Lord George Gordon, it was contended that *this* Act was virtually repealed by the Bill of Rights, (1 *W. & M. sess.* 2. *c.* 2. *sect.* 1. *art.* 5.);—but it was the clear Opinion of the whole Court, that the Bill of Rights did not mean to meddle with it at all; that neither *that*, nor any other Act, had repealed it; and that it was in *Full Force*. *Doug.* 571.

No. 35. 13 Charles II. st. 1. c. 5.

Months after the Offence committed, and proved by two or more credible Witnesses.

Proviso.

III. Provided always, That this Act, or any Thing therein contained, shall not be construed to extend to debar or hinder any Person or Persons, not exceeding the Number of twenty aforesaid, to present any publick or private Grievance or Complaint to any Member or Members of Parliament after his Election, and during the Continuance of the Parliament, or to the King's Majesty for any Remedy to be thereupon had; nor to extend to any Address whatsoever to his Majesty, by all or any of the Members of both or either Houses of Parliament, during the sitting of Parliament, but that they may enjoy their Freedom of Access to his Majesty, as heretofore hath been used.

No. 36.

7 and 8 William III. c. 3.—An Act for regulating of Trials in Cases of Treason and Misprision of Treason.

No. 36. 7 and 8 William III. c. 3.

From 25 March, 1696, Persons indicted for High Treason to have a Copy of the Indictment five Days before Trial, paying for the same, &c.

'WHEREAS nothing is more just and reasonable, than 'that Persons prosecuted for High Treason and Mis'prision of Treason, whereby the Liberties, Lives, Honour, 'Estates, Blood and Posterity of the Subjects, may be lost and 'destroyed, should be justly and equally tried, and that Persons 'accused as Offenders therein should not be debarred of all 'just and equal Means for Defence of their Innocencies in 'such Cases;' in order thereunto, and for the better Regulation of Trials of Persons prosecuted for High Treason and Misprision of such Treason; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the five and twentieth Day of *March*, in the Year of our Lord one thousand six hundred ninety-six, all and every Person and Persons whatsoever, that shall be accused and indicted for High Treason whereby any Corruption of Blood may or shall be made to any such Offender or Offenders, or to any the Heir or Heirs of any such Offender or Offenders, or for Misprision of such Treason, shall have a true Copy of the whole Indictment,(1.) but not the Names of the Witnesses, delivered unto them, or any of them, five Days at the least before he or they shall be tried for the same, whereby to enable them, and any of them respectively, to advise with Counsel thereupon, to plead and make their Defence, his or their Attorney or Attornies, Agent or Agents, or any of them requiring the same, and paying the Officer his reasonable Fees for writing thereof, not exceeding five Shillings for the Copy of every such Indict-

(1.) This includes the Caption; 1 East. ch. 2. § 50.

No. 36. 7 and 8 William III. c. 3.

ment ;(2.) and that every such Person so accused and indicted, arraigned or tried for any such Treason, as aforesaid, or for Misprision of such Treason, from and after the said Time, shall be received and admitted to make his and their full Defence by Counsel learned in the Law, and to make any Proof that he or they can produce by lawful Witness or Witnesses, who shall then be upon Oath; for his and their just Defence in that Behalf; and in case any Person or Persons so accused or indicted shall desire Counsel, the Court before whom such Person or Persons shall be tried, or some Judge of that Court, shall and is hereby authorized and required immediately, upon his or their Request, to assign(3.) to such Person and Persons such and so many Counsel, not exceeding two,(4.) as the Person or Persons shall desire, to whom such Counsel shall have free Access at all seasonable Hours; any Law or Usage to the contrary notwithstanding.

Court Authorised to assign Counsel.

II. And be it further enacted, That from and after the said five and twentieth Day of *March*, in the Year of our Lord one thousand six hundred ninety-six, no Person or Persons whatsoever shall be indicted, tried, or attainted of High Treason, whereby any Corruption of Blood may or shall be made to any such Offender or Offenders, or to any the Heir or Heirs of any such Offender or Offenders, or of Misprision of such Treason, but by and upon the Oaths and Testimony of two lawful Witnesses,(5.) either both of them to the same Overt Act, or one of them to one, and the other of them to another Overt Act of the same Treason; unless the Party indicted, and arraigned, or tried, shall willingly, without Violence, in open Court, confess the same,(6.) or shall stand mute, or refuse to plead, or in Cases of High Treason shall peremptorily challenge above the Number of thirty-five of

No Person to be tried for High Treason but on the Oath of two Witnesses.

(2.) These Privileges do not extend to collateral Issues; 1 East. ch. 2. § 48.

(3.) As to the Mode of Proceeding for the Purpose of assigning Counsel, see 1 East. ch. 2. § 51.

(4.) Upon a joint Indictment against several, each is intitled to two Counsel, 1 East. ch. 2. § 48. I believe it is not usual to allow the Prisoner to have the Assistance of more than two Counsel in examining Witnesses, or arguing Questions of Law ;—but Q. if this View of the Subject is correct. It is now the established Course to allow the Assistance of an indefinite Number of Counsel for these Purposes in Cases of Felony, and the present Statute was intended for the Benefit of the Accused. The allowing Addresses to the Jury by an unlimited Number of Counsel, might be attended with Inconvenience; but none such can arise from an Arrangement for the successive Examination of Witnesses by several different Counsel; whereas on the other Hand the confining this Part of the Duty to two Individuals, may, in some Cases, as in the Trials in 1794, be attended with such Fatigue, as to occasion no inconsiderable personal Detriment. For the Argument of mere Questions of Law, I conceive that the Prisoner is intitled to the Assistance of Counsel, *de jure*, and that there is nothing in the Statute to abridge such Right.

(5.) Two Witnesses are not necessary with respect to a collateral Fact, such as the Party being a natural-born Subject; 1 East. ch. 2. § 65.

(6.) The Proof by two Witnesses of an extra-judicial Confession, appears to be sufficient to satisfy the Act; subject to all Observations as to the Effect of such Evidence; see 1 East. P. C. ch. 2. § 66.

No. 36. 7 and 8 William III. c. 3.

the Jury; any Law, Statute, or Usage to the contrary notwithstanding.

Persons indicted may be outlawed, but have Benefit of this Act.

III. Provided always, That any Person or Persons, being indicted as aforesaid, for any of the Treasons, or Misprisions of the Treasons aforesaid, may be outlawed, and thereby attainted of or for any of the said Offences of Treason, or Misprision of Treason; and in Cases of the High Treasons aforesaid, where by the Law, after such Outlawry, the Party outlawed may come in and be tried, he shall, upon such Trial, have the Benefit of this Act.

Witnesses.

IV. And be it further enacted and declared by the Authority aforesaid, That if two or more distinct Treasons of divers Heads or Kinds shall be alledged in one Bill of Indictment, one Witness produced to prove one of the said Treasons, and another Witness produced to prove another of the said Treasons, shall not be deemed or taken to be two Witnesses(7.) to the same Treason, within the Meaning of this Act.

No Person to be indicted for Treason, unless within 3 Years after Offence.

V. And, to the Intent that the Terror and Dread of such criminal Accusations may in some reasonable Time be removed, be it further enacted by the Authority aforesaid, That from and after the said five and twentieth Day of *March*, in the Year of our Lord one thousand six hundred ninety-six, no Person or Persons whatsoever shall be indicted, tried, or prosecuted, for any such Treason as aforesaid, or for Misprision of such Treason, that shall be committed or done within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, after the said five and twentieth Day of *March*, in the Year of our Lord one thousand six hundred ninety-six, unless the same Indictment be found by a Grand Jury within three Years next after the Treason or Offence done or committed.

No Prosecution, unless indicted within 3 Years.

VI. And, That no Person or Persons shall be prosecuted for any such Treason, or Misprision of such Treason, committed or done, or to be committed or done, within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, before the said five and twentieth Day of *March*, unless he or they shall be indicted thereof within three Years after the said five and twentieth Day of *March*; always provided and excepted,

Exception.

That if any Person or Persons whatsoever shall be guilty of designing, endeavouring or attempting any Assassination on the Body of the King, by Poison or otherwise, such Person or Persons may be prosecuted at any Time, notwithstanding the aforesaid Limitation.

Persons tried to have Copies of the Panel 2 Days before Trial.

VII. And that all and every Person and Persons who shall be accused, indicted and tried for such Treason as aforesaid, or for Misprision of such Treason, after the said five and twentieth Day of *March*, in the Year of our Lord one thousand six hundred ninety-six, shall have Copies of the Panel of the Jurors(8.) who

(7.) One Witness to one Overt Act of the same Treason in the County where the Trial is had, and another to a different Overt Act of the same Treason in a different County, are sufficient; 1 East. ch. 2. § 65.

(8.) A Mistake in the spelling a Name, both Names having the same

are to try them, duly returned(9.) by the Sheriff and delivered unto them and every of them so accused and indicted respectively, two Days at the least before he or they shall be tried for the same; and that all Persons so accused and indicted for any such Treason as aforesaid, shall have the like Process of the Court where they shall be tried, to compel their Witnesses to appear for them at any such Trial or Trials as is usually granted to compel Witnesses to appear against them

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Process of the Court to compel Witnesses to appear.

VIII. And be it further enacted, That no Evidence shall be admitted or given of any Overt Act that is not expressly laid in the Indictment against any Person or Persons whatsoever.

Evidence.

IX. Provided also, and be it enacted by the Authority aforesaid, That no Indictment for any of the Offences aforesaid, nor any Process or Return thereupon, shall be quashed on the Motion of the Prisoner or his Counsel, for mis-writing, mis-spelling, false or improper *Latin*, unless Exception concerning the same be taken and made in the respective Court where such Trial shall be, by the Prisoner or his Counsel assigned, before any Evidence(10.) given in open Court upon such Indictment; nor shall any such mis-writing, mis-spelling, false or improper *Latin*, after Conviction on such Indictment, be any Cause to stay or arrest Judgement thereupon: But nevertheless any Judgement given upon such Indictment, shall and may be liable to be reversed upon a Writ of Error, in the same Manner, and no other, than as if this Act had not been made.

No Indictment to be quashed for mis-writing, &c. unless Exception taken before Evidence given.

'X. And whereas by the good Laws of this Kingdom in 'Cases of Trials of Commoners for their Lives, a Jury of 'twelve Freeholders must all agree in one Opinion before they 'can bring a Verdict, either for Acquittal or Condemnation of 'the Prisoner:

Jury of 12 Freeholders.

'XI. And whereas upon the Trials of Peers or Peeresses, 'a major Vote is sufficient, either to acquit or condemn;' be it further enacted by the Authority aforesaid, That upon the Trial of any Peer or Peeress, either for Treason or Misprision, all the Peers who have a Right to sit and Vote in Parliament shall be duly summoned, Twenty Days at least before every such Trial, to apear at every such Trial; and that every Peer so summoned and appearing at such Trial, shall vote in the Trial of such Peer or Peeress so to be tried, every such Peer first taking the Oaths mentioned in an Act of Parliament, made in the first Year of the Reign of King *William* and Queen *Mary*, intituled, "An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths;" and also every such Peer subscribing and audibly repeating the Declaration mentioned in "An Act for the more effectual preserving the King's

Peers to be summoned 20 Days before Trial; and shall take the Oaths, &c.

1 W. & M. sess. 1. c. 8.

30 Car. 2. st. 2. c. 1.

Sound, does not vitiate. An Objection to stating the Residence, as in Grafton-street, without further Description, overruled; 1 East ch. 2. § 50.

(9.) The Copy may be delivered before the Return of the Precept; 1 East. ch. 2. § 50.

(10.) The Objection must be taken before Plea, without Prejudice to moving in Arrest of Judgment; 1 East. ch. 2. § 46.

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Person and Government, by disabling Papists from sitting in either House of Parliament," and made in the Thirtieth Year of the Reign of the late King *Charles* the Second.

Not to extend to Parliamentary Impeachments.

XII. Provided always, that neither this Act, nor any Thing therein contained, shall any Ways extend to, or be construed to extend to any Impeachment or other Proceedings in Parliament, in any Kind whatsoever.

20 Geo. 2 c 30. nor to counterfeiting the Coin, &c.

XIII. Provided also, That this Act, nor any Thing therein contained, shall any Ways extend to any Indictment of High Treason, nor to any Proceedings thereupon, for counterfeiting his Majesty's Coin, his Great Seal or Privy Seal, his Sign Manual, or Privy Signet. [The Benefit hereof is extended by 2 and 3 *Anne*, cap. 20. sect. 43. to Treason within that Act.]

No. 37.

P. 1 Anne, st. 2, c. 17.—An Act for enlarging the Time for taking the Oath of Abjuration; and also for recapacitating and indemnifying such Persons as have not taken the same by the Time limited, and shall take the same by a Time to be appointed; and for the further Security of her Majesty's Person, and the Succession of the Crown in the Protestant Line; and for extinguishing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret Abettors.

No 37. 1 Anne, st. 2. c. 17.

Any Person endeavouring to hinder the next Successor to the Crown from succeeding, according to the Act 1 W. & M. sess 2. c 2. 12 & 13 W. 3. c. 2.

III. AND for the further Security of her Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret Abettors; Be it further enacted by the Authority aforesaid, That if any Person or Persons, at any Time after the first Day of *March* one thousand seven hundred and two, shall endeavour to deprive or hinder any Person who shall be the next in Succession to the Crown for the Time being, according to the Limitations of an Act, intituled, "An Act declaring the Rights and Liberties in the Subject, and settling the Succession of the Crown;" and according to one other Act, intituled, "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," from succeeding after the Decease of her Majesty (whom God long preserve) to the Imperial Crown of this Realm, and the Dominions and Territories thereunto belonging, according to the Limitations in the before mentioned Acts; that is to say, Such Issue of her Majesty's Body, as shall, from Time to Time, be next in Succession to the Crown, if it shall please God Almighty to bless her Majesty with Issue; and during the Time her Majesty shall have no Issue, the Princess Sophia, Electress and Duchess Dowager of *Hanover*; and after the Decease of the said Princess Sophia, the next in Succession to the Crown

for the Time being, according to the Limitation of the said Acts; and the same maliciously, advisedly, and directly shall attempt by an Overt-Act or Deed; every such Offence shall be adjudged High Treason, and the Offender or Offenders therein, their Abettors, Procurers, and Comforters, knowing the said Offence to be done, being thereof convicted or attainted, according to the Laws and Statutes of this Realm, shall be deemed and adjudged Traitors, and shall suffer Pains of Death, and all Losses and Forfeitures, as in Cases of High Treason.

No. 37. 1 Anne. st. 2 c. 17. shall be deemed guilty of High Treason, and suffer Death, &c.

No. 38.

2 and 3 Anne, c. 20.—An Act for punishing Mutiny, Desertion, and false Musters, and for better paying of the Army and Quarters, and for satisfying divers Arrears, and for a further Continuance of the Powers of the five Commissioners for examining and determining the Accounts of the Army.

P.

'XXXIV. AND forasmuch as there is not any effectual Provision made for the Government of her 'Majesty's Land Forces out of the Realms of *England* and '*Ireland*;' Be it further enacted and declared, That if any Officer or Soldier in her Majesty's Army shall, either upon Land out of *England*, or upon the Sea, hold Correspondence with any Rebel or Enemy of her Majesty, or give them Advice or Intelligence, either by Letters, Messages, Signs, or Tokens, or any Manner of Way whatsoever, or shall treat with such Rebels or Enemies, or enter into any Condition with them, without her Majesty's Licence, or Licence of the General, Lieutenant General, or chief Commander, then every such Person so offending, shall be deemed and adjudged to be guilty of High Treason, and suffer such Pains and Penalties as in case of High Treason.

No. 38. 2 and 3 Anne, c. 20. Officer or Soldier corresponding with the Queen's Enemies beyond Sea guilty of High Treason.

XXXV. And be it further enacted by the Authority aforesaid, That if any Officer or Soldier of her Majesty's Army, either upon Land out of *England*, or upon the Sea, shall raise or cause to be raised, any Mutiny or Sedition in the Army, or shall refuse to obey his Superior Officer, or shall resist any Officer in the Execution of his Office, or shall strike, draw, or offer to draw, or lift up any Weapon against his superior Officer, upon any Pretence whatsoever; all and every Person and Persons so offending, in any of the Matters before mentioned, shall be adjudged and taken to be guilty of Felony, and shall suffer as in Cases of Felony; and every of their said Offences shall be deemed to be Felony, and shall suffer as in case of Felony; and the Offenders being thereof convicted, or being indicted or arrigned thereof, and standing mute, or challenging peremptorily above the Number of twenty returned to be of the Jury, shall suffer Death as in case of Felony.

Officer or Soldier beyond Sea raising any Mutiny, or resisting his Officer, &c. guilty of Felony.

No. 38. 2 and 3 Anne, c. 20

All Treasons and Felonies may be tried in the Queen's Bench at Westminster, &c.

XXXVI. And be it further enacted by the Authority aforesaid, That all and every the Treasons and Felonies beforementioned, that shall be committed, perpetrated, or done, may be inquired of, heard and determined in her Majesty's Court, commonly called the *Queen's Bench*, by good and lawful Men of the same County where the said Court shall sit and be kept, or before such Commissioners, and in such County of this Realm, as shall be assigned by the Queen's Majesty, and by good and lawful Men of the same County, in like Manner and Form, to all Intents and Purposes, as if the said Treason and Felonies had been committed, perpetrated, and done within the same County.

This Act not to abridge the Queen's Power of making Articles of War, &c.

XXXVII. Provided always, That this Act, or any Thing therein contained, shall not extend to abridge her Majesty's Power of forming, making, and establishing Articles of War, and erecting and constituting Courts-martial, and inflicting Penalties by Sentence or Judgment of the same, in such Manner as might have been done by her Majesty's Authority beyond the Seas, in the Time of War, before the making of this Act.

Court-martial may try Offences committed out of the Realm, not before tried.

XXXVIII. And be it further enacted by the Authority aforesaid, That her Majesty may, from Time to Time, grant a Commission to such General, Lieutenant General, or other Officers, as aforesaid, for the holding a Court-martial within this Realm, in which all Officers and Soldiers, who shall at any Time hereafter, during the Continuance of this Act, commit any Crime or Offence out of this Realm, against the Rules, Articles, or Laws of War, and shall not be tried for the same by a Court-martial, before their Return into this Realm, shall and may be tried and proceeded against, and punished, according to the Rules and Articles of War afore-mentioned.

How Officers or Soldiers deserting the Queen's Service beyond Sea, shall be tried.

XXXIX. Provided always, That if any Officer or Soldier shall desert her Majesty's Service in any Parts beyond the Seas, and shall escape or come into this Realm or *Ireland*, before he be tried by a Court-martial for such Offence, then and as often as any such Case shall happen, if it shall also happen that the Regiment, Troop, or Company, to which such Officer or Soldier shall belong, shall continue in her Majesty's Service beyond the Seas, it shall and may be lawful, upon Oath thereof made to any one of her Majesty Justices of the Peace, where such Offender shall be taken, for such Justices of the Peace to cause such Offender to be sent to the General Court-martial in *England* or *Ireland*, who are hereby enabled, if they thing fit, for Example's Sake, to send such Offenders to the respective Regiment, Troop, or Company beyond the Seas, to which the Offender shall belong, there to be proceeded against according to the Directions of this Act.

Persons acquitted by a Court-martial not to be prosecuted again.

XL. Provided also, That if any Person or Persons shall, in a Court Martial constituted as aforesaid, be tried and acquitted, or convicted of any of the Crimes or Offences herein before mentioned, such Acquittal or Conviction shall be a full Bar to any Indictments or Proceedings for the same Offence.

XLI. Provided always, That no Attainder for any Crime or Offence made Felony by this Act, shall extend or be adjudged to make any Corruption of Blood to any Heir of such Offender, or to debar the Wife of such Offender of her Title of Dower.

No. 38. 2 and 3 Anne, c. 20. No Attainder to corrupt the Blood of Heir, &c.

XLII. Provided also, That if any Peer of this Realm shall commit any of the Offences aforesaid, in any Parts beyond the Seas, and shall not have been there tried for the same by Martial Law, and after his Return into this Realm shall be indicted of any Offence hereby declared or enacted to be Treason or Felony, that then, and after such Indictment, he shall have his Trial by his Peers, in such like Manner and Form as hath been accustomed.

How a Peer of England shall be tried for any Offence by this Act.

XLIII. And be it declared and enacted by the Authority aforesaid, That all and every Person and Persons, who shall hereafter be accused, indicted, or prosecuted, for any Thing made or declared Treason by this Act, shall be intitled to the Benefit of the Act of Parliament made in the seventh Year of the Reign of his late Majesty King *William* the Third, intituled, "An Act for regulating Trials in Cases of Treason and Misprision of Treason."

Persons indicted of Treason, &c to have the Benefit of the Act 7 W. 3. c. 3.

No. 39.

6 Anne, c. 7.—An Act for the security of her Majesty's Person and Government, and of the Succession to the Crown of *Great Britain* in the Protestant Line.

No. 39. 6 Anne, c. 7.

'WHEREAS by the happy Union of *England* and *Scotland*, it is become necessary to make divers Alterations in Relation to an Act passed in the Parliament of *England*, in the fourth Year of the Reign of her present Majesty, whom God long preserve, intituled, "An Act for the better Security of her Majesty's Person and Government, and of the Succession to the Crown of *England* in the Protestant Line," and to extend the Provisions of the said Act throughout the whole United Kingdom, for the better Security of our most gracious Sovereign's Person and Government, and of the Succession to the Crown of *Great Britain* in the Protestant Line, as it is now by the Laws and Statutes of this Realm settled, limited, and appointed;' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall maliciously, advisedly, and directly, by Writing or Printing, maintain and affirm, That our Sovereign Lady the Queen that now is, is not the lawful and rightful Queen of these Realms, or that the pretended Prince of *Wales*, who now stiles himself the King of *Great Britain*, or King of *England*, by the Name of *James* the Third, or King of *Scot-*

4 Anne, c. 8

Persons who shall declare, &c. the Queen not to be lawful Queen or that the pretended Prince of Wales hath any Right to the Crown. 1 W. & M. ss. 2. c. 2. 11 & 12 W. 3. c. 2.

No. 30. 6 Anne, c. 7.

land, by the Name of *James* the Eighth, hath any Right or Title to the Crown of these Realms, or that any other Person or Persons hath or have any Right or Title to the same, otherwise than according to an Act of Parliament made in *England* in the first Year of the Reign of their late Majesties King *William* and Queen *Mary*, of ever blessed and glorious Memory, intituled, "An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown;" and one other Act made in *England* in the twelfth Year of the Reign of his said late Majesty King *William* the Third, intituled, "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject;" and the Acts lately made in *England and Scotland* mutually for the Union of the two Kingdoms; or that the Kings or Queens of this Realm, with and by the Authority of Parliament, are not able to make Laws and Statutes of sufficient Force and Validity to limit and bind the Crown, and the Descent, Limitation, Inheritance, and Government thereof; every such Person or Persons shall be guilty of High Treason, and being thereof lawfully convicted, shall be adjudged Traitors, and shall suffer Pains of Death, and all Losses and Forfeitures as in Cases of High Treason.

Guilty of High Treason.

Preachers, &c. who shall declare and affirm the Queen not to be lawful Queen, &c.

II. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall maliciously and directly, by Preaching, Teaching, or advised speaking, declare, maintain, and affirm, That our Sovereign Lady the Queen that now is, is not the lawful or rightful Queen of these Realms, or that the pretended Prince of *Wales*, who now stiles himself King of *Great Britain*, or King of *England*, by the Name of *James* the Third, or King of *Scotland*, by the Name of *James* the Eighth, hath any Right or Title to the Crown of these Realms, or that any other Person or Persons hath or have any Right or Title to the same, otherwise than according to an Act of Parliament made in *England* in the first Year of the Reign of their said late Majesties King *William* and Queen *Mary*, intituled, "An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown;" and one other Act made in *England*, in the twelfth Year of the Reign of his late Majesty, King *William* the Third, intituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject;" and the Acts lately made in *England* and *Scotland* mutually for the Union of the two Kingdoms; or that the Kings or Queens of this Realm, with and by the Authority of Parliament, are not able to make Laws and Statutes of sufficient Force and Validity to limit and bind the Crown, and the Descent, Limitation, Inheritance and Government thereof; every such Person and Persons shall incur the Danger and Penalty of *Præmunire* mentioned in the Statute of *Præmunire* made in *England* in the sixteenth Year of the Reign of King *Richard* the Second.

To incur the Penalty of 16 R. 2. c. 5.

Prosecution within 3 Days.

III. Provided always, and be it enacted by the Authority aforesaid, That no Person shall be prosecuted by Virtue of this

Act for any Words spoken, unless the Information of such Words be given upon Oath to one or more Justice or Justices of the Peace within three Days after such Words spoken, and the Prosecution of such Offence be within three Months after such Information; and that no Person shall be convicted by Virtue of this Act for any such Words spoken, but by the Oaths of two credible Witnesses. No. 39. 6 Anne, c. 7.

IV. And be it further enacted by the Authority aforesaid, That this present Parliament, or any other Parliament which shall hereafter be summoned and called by her Majesty Queen *Anne*, her Heirs or Successors, shall not be determined or dissolved by the Death or Demise of her said Majesty, her Heirs or Successors, but such Parliament shall, and is hereby enacted to continue, and is hereby impowered and required, it sitting at the Time of such Demise, immediately to proceed to act, notwithstanding such Death or Demise, for and during the Term of six Months, and no longer, unless the same be sooner prorogued or dissolved by such Person to whom the Crown of this Realm of *Great Britain* shall come, remain and be, according to the Acts for limiting and settling the Succession, and for the Union above-mentioned; and if the said Parliament shall be prorogued, then it shall meet and sit on and upon the Day unto which it shall be prorogued, and continue for the Residue of the said Time of six Months, unless sooner prorogued or dissolved as aforesaid.

Parliament not to be dissolved by Queen's Death.

But continue for 6 Months after.

V. And be it further enacted by the Authority aforesaid, That if there be a Parliament in Being, at the Time of the Death of her Majesty, her Heirs, or Successors, but the same happens to be separated by Adjournment or Prorogation, such Parliament shall immediately after such Demise meet, convene, and sit, and shall act, notwithstanding such Death or Demise, for and during the Time of six Months, and no longer, unless the same shall be sooner prorogued and dissolved as aforesaid.

Parliament to meet immediately after Death.

VI. And be it further enacted by the Authority aforesaid, That in case there is no Parliament in Being, at the Time of such Demise that hath met and sat, then the last preceding Parliament shall immediately convene, and sit at *Westminster*, and be a Parliament to continue as aforesaid, to all Intents and Purposes, as if the same Parliament had never been dissolved, but subject to be prorogued and dissolved as aforesaid.

In case there be no Parliament, then the last preceding to meet.

VII. Provided always, and it is hereby declared, That nothing in this Act contained shall extend, or be construed to extend to alter or abridge the Power of the Queen, her Heirs, or Successors, to prorogue or dissolve Parliaments, nor to repeal, or make void one Act of Parliament made in *England* in the sixth Year of the Reign of their said late Majesties King *William* and Queen *Mary*, intituled, "An Act for the frequent Meeting and Calling of Parliaments; but that the said Act shall continue in force in every Thing that is not contrary to, or inconsistent with the Direction of this Act; and the said Act for the frequent Meeting and Calling of Parliaments is hereby de-

Not to abridge Power to prorogue or dissolve. 6 W. & M. c. 2.

To extend to the Parliament of Great Britain.

No. 39. 6 Anne, c. 7.

clared and enacted to extend to the Parliament of *Great Britain*, as fully and effectually, to all Intents, Constructions, and Purposes, as if the same were herein and hereby particularly recited and enacted.

Privy Council not to be dissolved by Queen's Death.

VIII. And be it further enacted by the Authority aforesaid, That the Privy Council of her Majesty, her Heirs or Successors, for the Kingdom of *Great Britain*, shall not be determined or dissolved by the Death or Demise of her Majesty, her Heirs, or Successors; but such Privy Council shall continue and act as such by the Space of six Months next after such Demise, unless sooner determined by the next Successor, to whom the Imperial Crown of this Realm is limited and appointed to go, remain, and descend; nor shall the Office or Place of Lord Chancellor or Lord Keeper of the Great Seal of *Great Britain*, or of Lord High Treasurer of *Great Britain*, Lord President of the Council for *Great Britain*, Lord Privy Seal of *Great Britain*, Lord High Admiral of *Great Britain*, or of any of the Great Officers of the Queen or King's Houshold for the Time being; nor shall Office, Place, or Employment, Civil or Military, within the Kingdoms of *Great Britain* or *Ireland*, Dominion of *Wales*, Town of *Berwick upon Tweed*, Isles of *Jersey*, *Guernsey*, *Alderney*, and *Sarke*, or any of her Majesty's Plantations, become void by reason of the Demise or Death of her present Majesty, her Heirs or Successors, Queens or Kings of this Realm; but the said Lord Chancellor or Lord Keeper of the Great Seal of *Great Britain*, the Lord High Treasurer of *Great Britain*, the Lord President of the Council, the Lord Privy Seal, the Lord High Admiral of *Great Britain*, the Great Officers of the Houshold, and every other Person and Persons in any of the Offices, Places, and Employments aforesaid, shall continue in their respective Offices, Places, and Employments, for the Space of six Months next after such Death or Demise, unless sooner removed and discharged by the next in Succession as aforesaid.

Nor the Places of the great Officers.

Nor any Offices Civil or Military.

But continue for 6 Months.

Great Seal, &c. to be used.

IX. And be it further enacted by the Authority aforesaid, That the Great Seal of *Great Britain*, the Privy Seal, Privy Signet, and all other Publick Seals in Being, at the Time of the Demise of her Majesty, her Heirs, or Successors, shall continue and be made Use of as the respective Seals of the Successor, until such Successor shall give Order to the contrary.

[X. On Queen's Death, Privy Council to cause the next Protestant Successor to be proclaimed; — on Pain of High Treason.]

[XI. In case Successor be out of the Realm at Queen's Death; — Seven Lord Justices appointed.]

[XII. The Successor (by three Instruments) may add seven others.]

[XIII. The three Instruments to be transmitted into Great Britain.—and severally sealed up and deposited, &c.]

[XIV. Persons opening any of the said Instruments, &c. guilty of a Præmunire.]

[XV. Any one of the Instruments produced to the Privy Council, to be effectual.]

[XVI. Nomination of Lords Justices by Successor, already made, to be as effectual as if appointed by this Act.] No. 39. 6 Anne, c. 7.

[XVII. Lords Justices not to dissolve the Parliament without Direction, nor alter 13 & 14 Car 2. c. 4,—or an Act made in Scotland.]

[XVIII. Lords Justices to take the Oaths, 1 W. and M. sess. 1. c. 8. —By 1 Geo. 2. stat. 1. c. 5. and by 1 Geo. 2. stat. 2. c. 23. Repealed as to Officers qualifying themselves anew.]

[XIX. And be deemed Officers of Trust.]

[XX. After Queen's Death, 1 Anne, stat. 1. c. 22. following Oath to be taken.—The Oath.]

[XXI. How Blanks in the Oath shall be filled up.]

[XXII. The Successor may use any Seal before her or his Arrival in Great Britain.]

[XXIII. Parliament called by Lords Justices not to be dissolved by Arrival of Successor.]

XXIV. Proviso in case any of the seven Great Offices be in Commission at Queen's Death.]

XXV. And be it further enacted by the Authority aforesaid, That no Person, who shall have in his own Name, or in the Name of any Person or Persons in Trust for him, or for his Benefit, any new Office or Place of Profit whatsoever under the Crown, which at any Time since the five and twentieth Day of *October* in the Year of our Lord one thousand seven hundred and five, have been created or erected, or hereafter shall be created or erected, nor any Person who shall be a Commissioner, or Sub-Commissioner of Prizes, Secretary or Receiver of the Prizes, nor any Comptroller of the Accounts of the Army, nor any Commissioner of Transports, nor any Commissioner of the Sick and Wounded, nor any Agent for any Regiment, nor any Commissioner for any Wine Licences, nor any Governor or Deputy-Governor of any of the Plantations, nor any Commissioners of the Navy imployed in any of the Out-Ports, nor any Person having any Pension from the Crown during Pleasure, shall be capable of being elected, or of sitting or voting as a Member of the House of Commons in any Parliament which shall be hereafter summoned and holden.

Persons in Office, &c. made incapable of being elected Members of the House of Commons.

By 1 Geo. 1. Stat. 2. c. 56. No Pensioner for Years shall sit in the House, &c.

XXVI. Provided always, That if any Person being chosen a Member of the House of Commons, shall accept of any Office or Profit from the Crown, during such Time as he shall continue a Member, his Election shall be, and is hereby declared to be void, and a new Writ shall issue for a new Election, as if such Person so accepting was naturally dead. Provided nevertheless, That such Person shall be capable of being again elected, as if his Place had not become void as aforesaid.

Accepting Office of Profit while a Member, Election void:

XXVII. Provided also, and be it enacted, That in order to prevent for the future too great a Number of Commissioners to be appointed or constituted for the executing of any Office, that no greater Number of Commissioners shall be made or constituted for the Execution of any Office, than have been employed in the Execution of such respective Office at some Time before the first Day of this present Parliament.

No Office to be executed by too many Commissioners.

No. 39. 6 Anne, c. 7. Not to extend to Officers in the Navy or Army.

XXVIII. Provided also, That nothing herein contained shall extend, or be construed to extend to any Member of the House of Commons, being an Officer in her Majesty's Navy or Army, who shall receive any new, or other Commission in the Navy or Army respectively.

Persons disabled, if returned as Members, such Election and Return void.

XXIX. And be it further enacted, That if any Person hereby disabled, or declared to be incapable to sit or vote in any Parliament hereafter to be holden, shall nevertheless be returned as a Member to serve for any County, Stewartry, City, Town, or Cinque Port, in any such Parliament, such Election and Return are hereby enacted and declared to be void to all Intents and Purposes whatsoever; and if any Person disabled or declared incapable by this Act to be elected, shall after the Dissolution or Determination of this present Parliament presume to sit or vote as a Member of the House of Commons in any Parliament to be hereafter summoned, such Person so sitting or voting shall forfeit the Sum of five hundred Pounds, to be recovered by such Person as shall sue for the same in *England*, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed, and only one Imparlance.

Penalty on sitting.

[XXX.—XXXI. No Commissioner for the Equivalent disabled from being elected.]

No. 40.

7 Anne, c. 21.—*An Act for improving the Union of the two Kingdoms.*

No. 40. 7 Anne, c. 21.

'WHEREAS nothing can more conduce to the improving the Union of the two Kingdoms, which by her Majesty's great Wisdom and Goodness hath been happily effected, than that the Laws of both Parts of *Great Britain* should agree, as near as may be, especially those Laws which relate to High Treason, and the Proceedings thereupon, as to the nature of the Crime, the Method of Prosecution and Trial, and also the Forfeitures and Punishments of that Offence; which are of the greatest Concern both to the Crown, and the Subjects:' To the End therefore that the said Union may be more effectually improved, Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *July* in the Year of our Lord one thousand seven hundred and nine, such Crimes and Offences which are High Treason or Misprision of High Treason within *England*, shall be construed, adjudged, and taken to be High Treason or Misprision of High Treason within *Scotland*; and that from thenceforth no Crimes or Offences shall be High Treason or Misprision of High Treason within *Scotland*, but those that

After 1 July 1709 High Treason and Misprision in England shall be so in Scotland, and no other.

And the Queen, &c. may grant Commissions of Oyer and Terminer in Scotland, under the Seal of Great

are High Treason or Misprision of High Treason in *England*; and that from and after the said first Day of *July* in the said Year of our Lord one thousand seven hundred and nine, the Queen's Majesty, her Heirs and Successors, may issue out Commissions of *Oyer* and *Terminer* in *Scotland*, under the Seal of *Great Britain*, to such Persons as her Majesty, her Heirs and Successors, shall think fit, and that three of the Lords of the Justiciary be in the said Commission of *Oyer* and *Terminer*, whereof one to be of the *Quorum*, to enquire of, hear and determine such High Treasons and Misprision of High Treason, in such Manner as is used in *England*.

No. 40. 7 Anne, c. 21.

B[ri]tain, to hear and determine such Treasons, &c.

II. Provided always, and be it enacted by the Authority aforesaid, That where any Commission of *Oyer* and *Terminer* shall issue pursuant to this Act, and is to be executed within any District where there is a Justice General, or Person having Right of Justiciary, who had Jurisdiction in Cases of High Treason and Misprision of High Treason at the Time of the making of this Act, from and after the Time that such Right be made appear before the Lords of Session, and by them certified to the Lord Chancellor of *Great Britain*, such Justice General, or such Person having Right of Justiciary, or their respective Deputy, shall be in the said Commission, and one of the *Quorum*.

A Justice General who had Jurisdiction before this Act, to be in the Commission and one of the Quorum.

III. And be it further enacted by the Authority aforesaid, That from and after the said first Day of *July* one thousand seven hundred and nine, the Justice Court and other Courts having Power to judge in Cases of High Treason and Misprision of High Treason in *Scotland*, shall have full Power and Authority, and are hereby required, to enquire by the Oaths of twelve or more good and lawful Men of the County, Shire or Stewartry where the respective Courts shall sit, of all High Treasons, and Misprisions of High Treason committed within the said Counties, Shires, or Stewartries, and thereupon to proceed, hear and determine the said Offences whereof any Person shall be indicted before them, in such Manner as the Court of *Queen's Bench*, or Justices of *Oyer* and *Terminer* in *England* may do by the Laws of *England*: And if any Person indicted of High Treason or Misprision of High Treason before any Justices of *Oyer* and *Terminer*, or in the Circuit Courts, or other Courts having Power to judge in Cases of High Treason or Misprision of High Treason in *Scotland*, then upon the Request of the Queen's Advocate General to the Lord High Chancellor or Lord Keeper of the Great Seal of *Great Britain* for the Time being, the Lord Chancellor or Lord Keeper shall award her Majesty's Writ of *Certiorari* under the said Great Seal, directed to the Justices of *Oyer* and *Terminer*, or the Justices of the Circuit Courts, and such other Courts, thereby commanding them, or any of them, to certify such Indictment into the Justice Court; which Court shall have full Power and Authority, and is hereby required, to proceed upon, hear, and determine the same, as the Court of *Queen's Bench* in *England* may do upon Indictments removed or certified into the said

The Justice Court, &c shall try Treasons in Scotland by a Jury.

Indictments of Treason, &c before Justices of Oyer, &c. may be removed by Certiorari into the Justice Court,

and there tried as in England.

No. 40. 7 Anne, c. 21.

Court; and that from and after the said first Day of *July* in the said Year of our Lord one thousand seven hundred and nine, all Persons convicted or attainted of High Treason, or Misprision of High Treason in *Scotland*, shall be subject and liable to the same Corruption of Blood, Pains, Penalties, and Forfeitures, as Persons convicted or attainted of High Treason or Misprision of High Treason in *England*.

Persons attainted of Treason in Scotland, to be liable to the same Penalties as in England.

A Person seized of an Estate Tail in Scotland, and married before the said first of July, shall forfeit his Lands upon such Attainder but for his Life only, and his Issue shall inherit.

IV. Provided always, That where any Person now is, or shall be, before the said first Day of *July*, seized of any Messuages, Lands, Seigniories, Rents, Tenements, or Hereditaments, in *Scotland*, of an Estate Tail, that is to say an Estate Tailzie, affected with irritant and resolutive, or prohibitive Clauses, and is, or before the said first Day of *July* shall be married, if any Issue of that Marriage be living, or there be Possibility of such Issue at the Time of the High Treason committed, that then in such Case the said Messuages, Lands, Seigniories, Rents, Tenements, and Hereditaments, shall not be forfeited upon the Attainder of such Person for High Treason, (but during the Life of the Person so attainted only) so that the Issue and Heirs in Tail of such Marriage shall inherit the same, the said Attainder notwithstanding.

Treasons committed by Scotsmen upon the High Sea, or out of Great Britain, shall be determined by the Justice Court, or before Commissioners, &c.

V. And be it further enacted by the Authority aforesaid, That all Treasons and Misprisions of Treasons, which from and after the said first Day of *July* shall be done or committed by any Native of *Scotland* upon the High Sea, or in any Place out of this Realm of *Great Britain*, shall be enquired of, heard and determined before the said Justice Court, or before such Commissioners of *Oyer and Terminer*, and in such Shire, Stewartry, or County of *Great Britain*, as shall be assigned by the Queen's Commission, and by good and lawful Men of the same Shire, in like Manner, to all Intents and Purposes, as if such Treasons or Misprisions of Treasons had been done or committed in the same Shire where they shall be enquired of, heard and determined, as aforesaid: And that from and after the said first Day of *July* in the said Year of our Lord one thousand seven hundred and nine, no Person accused of any Capital Offence or other Crime in *Scotland*, shall suffer, or be subject or liable to any Torture: Provided that this Act shall not extend to take away that Judgment which is given in *England* against Persons indicted of Felony, who shall refuse to plead, or decline Trial.

Qualifications of a Juryman in Scotland.

VI. Provided also, and be it further enacted, by the Authority aforesaid, That every Person may be summoned and returned to be a Juryman in any such Trials, as aforesaid, who shall at the Time of such Trial have and be seized of in his own right, or in the right of his Wife, of Lands or Tenements, of an Estate of Inheritance, or for his or her Life, or the Life of some other Person, within the County, Stewartry, or Place where any such Trial shall be, or from whence the Jury is to come, of the yearly Value of Forty Shillings sterling at least; and for Want thereof, or for any other lawful Cause, shall be subject to be challenged and set aside.

'VII. And whereas the Crimes after-mentioned are by 'several Acts of Parliament in *Scotland* declared to be Trea-'son, and the Committers thereof are appointed to be punished 'with the same Pains and Forfeitures as Committers of Trea-'son, and that after the first Day of *July* aforesaid, the afore-'said Act of Parliament in *Scotland* will have no Force nor 'Effect, seeing no Facts nor Offences are to be deemed 'Treason within *Scotland* after that Time, but such as are so by 'the Acts and Statutes now in Force in *England*;' Be it therefore by the Authority aforesaid further enacted, That Theft in Landed Men, Murder under Trust, wilful Fire-raising, firing Coalheughs, and Assassination, which were declared to be Treason by particular Statutes in *Scotland*, shall after the aforesaid Time be only adjudged and deemed to be Capital Offences, and the Committers thereof shall only be liable to such Pains and Punishments as by the Law of *Scotland* are to be inflicted upon the Committers of Capital Crimes and Offences, and the Persons Committers thereof are to be punished and tried in the same Manner as by the Laws of *Scotland* is provided in the Cases of other Capital Crimes; any Thing in this Act to the contrary notwithstanding.

No. 40, 7 Anne, c. 21.

No Offences to be Treason in Scotland, but what are so by the Laws in England.

VIII. And be it also enacted by the Authority aforesaid, That if any Person shall, from and after the said first Day of *July*, slay any of the Lords of Session, Lords of Justiciary, sitting in Judgment in the Exercise of their Office within *Scotland*, that the doing thereof shall be construed, adjudged and taken to be High Treason.

Slaying any Lord of Session, &c. High Treason.

IX. And be it further enacted by the Authority aforesaid, That from and after the first Day of *July*, if any Person counterfeit her Majesty's Seals appointed by the twenty-fourth Article of the Union, to be kept, used, and continued in *Scotland*, that the doing thereof shall be construed and adjudged to be High Treason.

Counterfeiting the Great Seal in Scotland High Treason.

X. Provided always, and be it further enacted by the Authority aforesaid, That after the Decease of the Person who pretended to be Prince of *Wales* during the Life of the late King *James*, and since pretends to be King of *Great Britain*, and at the End of the Term of three Years after the immediate Succession to the Crown, upon the Demise of her present Majesty, shall take Effect, as the same is and stands limited by an Act made in the first Year of the Reign of their late Majesties King *William* and Queen *Mary*, intituled, "An Act for declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown;" and by one other Act made in the twelfth Year of the Reign of his late Majesty King *William* the Third, intituled, "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," no Attainder for Treaon shall extend to the disheriting of any Heir, nor to the Prejudice of the Right or Title of any Person or Persons, other than the Right or Title of the Offender or Offenders, during his, her, or their natural Lives only; and that it shall and may be lawful to every Person

After the Decease of the Pretender, and 3 Years after the Succession to the Crown by the Demise of the Queen shall take Effect, no Attainder for Treason shall disinherit any Heir; but he may enter after the Death of such Offender.

No. 40. 7 Anne, c. 21. or Persons to whom the Right or Interest of any Lands, Tenements or Hereditaments, after the Death of any such Offender or Offenders, should or might have appertained, if no such Attainder had been,' to enter into the same.

XI. And be it further enacted by the Authority aforesaid, That from and after the Decease of the Person who pretended to be Prince of *Wales* during the Life of the late King *James*, and since pretends to be King of *Great Britain*, and at the End of the Term of three Years after the immediate Succession to the Crown, upon the Demise of her present Majesty, shall take effect, as the same is and stands limited by an Act made in the first Year of the Reign of their late Majesties King *William* and Queen *Mary*, intituled, "An Act for declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown," and by one other Act made in the twelfth Year of the Reign of his late Majesty King *William* the Third, intituled, "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," when any Person is indicted for High Treason, or Misprision of Treason, a List of the Witnesses that shall be produced on the Trial, for proving the said Indictment, and of the Jury, mentioning the Names, Profession, and Place of Abode of the said Witnesses and Jurors, be also given at the same Time that the Copy of the Indictment is delivered to the Party indicted; and that Copies of all Indictments for the Offences aforesaid, with such Lists, shall be delivered to the Party indicted, ten Days (1.) before the Trial, and in presence of two or more credible Witnesses; any Law or Statute to the contrary notwithstanding. 1 Geo. 1. Stat. 2. c. 48.

After the Times last above limited, a Copy of the Indictment for Treason, &c. shall be delivered to the Party indicted, 10 Days before the Trial, 1 W. & M. ss. 2. c. 4. 12 W. 3. c. 2.

(1.) The ten Days must be after the Bill found, and before the Arraignment.—They are exclusive of the Day of Delivery and Arraignment, and *come semble* of Sunday; 1 East. ch. 2. § 49.

No. 41.

9 Anne c. 16.—An Act to make an Attempt on the Life of a Privy Counsellor, in the Execution of his Office, to be Felony without Benefit of Clergy.

No. 41. 9 Anne, c. 16. 'WHEREAS *Anthony de Guiscard*, commonly called Marquis *de Guiscard*, a *French* Papist, residing in *England* 'under her Majesty's Protection, and subsisted by her Majesty's Bounty for some Years past, was charged with holding a 'traiterous Correspondence with *France*, and being taken into 'Custody for such his Treason by *Nathan Wilcocks*, of the Parish of *St. James, Westminster*, in the County of *Middlesex*, 'Gentleman, one of her Majesty's Messengers in Ordinary, 'by virtue of a Warrant of the Right Honourable *Henry Saint* '*John*, Esquire, one of her Majesty's Principal Secretaries of 'State, and on the eighth Day of *March* in the Year of our 'Lord one thousand seven hundred and ten, being under Ex-

No. 41.
9 Anne, c. 16.

'amination before a Committee of her Majesty's most honourable Privy Council for the same, perceiving his said Treason to have been fully detected, being conscious of his Guilt, and dreading the Pain and Infamy of his approaching Punishment, in Hopes of preventing the same, and in Revenge for the Discovery of the said Offence, did, with a Penknife, in a barbarous and villanous Manner, stab the Right Honourable *Robert Harley*, Esquire, Chancellor of her Majesty's Exchequer, and one of her Majesty's Privy Council, then present, and assisting in that Committee, and endeavoured to wound others of her Majesty's Privy Council there: And whereas in the preventing further Mischief from the Rage of the said *Anthony de Guiscard*, and in apprehending and securing him, he the said *Anthony de Guiscard* was necessarily and unavoidably bruised and wounded, and is since dead, in the Prison of *Newgate* in the City of *London*: And whereas no sufficient Punishment is provided for assaulting or wounding a Privy Counsellor in the Execution of his Office, by any Law now in being;' To the End that all Persons may be deterred from committing such Offences, and for preventing the like Mischiefs for the Time to come; Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, from and after the first Day of *May* in the Year of our Lord one thousand seven hundred and eleven, shall unlawfully attempt to kill, or shall unlawfully assault and strike or wound any Person, being one of the most Honourable Privy Council of her Majesty, her Heirs or Successors, when in the Execution of his Office of a Privy Counsellor in Council, or in any Committee of Council, that then the Person or Persons so offending, being thereof convicted in due Form of Law, shall be and are hereby declared to be Felons, and shall suffer Death as in Cases of Felony, without the Benefit of Clergy.

Whoever shall attempt to kill, &c. a Privy Counsellor in the Execution of his Office, declared a Felon, and shall suffer Death as such without Clergy.

II. And be it further enacted by the Authority aforesaid, That the said *Nathan Wilcocks* (who by an Inquisition taken the seventeenth Day of the said Month of *March*, before *George Rivers*, Esquire, Coroner of the said City of *London*, on View of the Body of the said *Anthony de Guiscard*, then and there lying dead) is found to have given him the said *Anthony de Guiscard* several mortal Bruises of which he died, and all and every other Person and Persons, who were assisting in the Defence of the said *Robert Harley*, and in the apprehending and securing the said *Anthony de Guiscard*, and did, in so doing, assault, bruise, or wound the said *Anthony de Guiscard*, shall be, and are hereby indemnified and saved harmless therefore; and such their Actings and Doings are hereby declared to have been necessary and lawful.

Nathan Wilcocks, &c. saved harmless.

No. 42.

1 George I. stat. 2. c. 47.—An Act for the more effectual and exemplary Punishment of such Persons as shall seduce Soldiers to desert, or who, being Papists, shall inlist themselves in his Majesty's Service in *Great Britain* or *Ireland*, or in the Islands of *Jersey* or *Guernsey*.

No. 42. 1 George I. st. 2. c. 47.

I. WHEREAS a pernicious and dangerous Practice has been industriously carried on in these Kingdoms of 'Great Britain and Ireland, by Papists and other evil-disposed Persons, disaffected to his Majesty's Title and Government, 'under false and groundless Pretences, to delude his good Subjects, who had engaged themselves as Soldiers in the 'Service of his Majesty and their Country, and to prevail 'with them by corrupt and direct Means to desert the same, 'oftentimes in order to procure their Assistance for a Popish 'Pretender, the avowed Enemy of the Protestant Religion, 'and the Laws and Liberties of these Kingdoms; for which wicked Purposes the said Papists and other evil-disposed 'Persons have with great diligence frequented the Publick-'Houses, and other Places where the said Soldiers used to 'resort, or are quartered, and by Entertainments, seditious 'Speeches, and vain Promises, have often seduced his Majes-'ty's said Subjects from their duty and Allegiance;' for Remedy whereof for the future, and for the more effectual and exemplary punishment of all Offenders in that Behalf, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons whatsoever, (other than such as are or shall be inlisted as Soldiers, against whom sufficient Remedy is already provided by Law) shall, from the first day of *June* in the Year of our Lord one thousand seven hundred and sixteen, in *Great Britain* or *Ireland*, or the Isles of *Jersey* or *Guernsey*, by Words or other Means whatsoever, directly or indirectly, persuade or procure any Soldier or Soldiers in the Service of his Majesty, his Heirs, or Successors, to desert or leave such Service, or shall go about and endeavour, in Manner aforesaid, to persuade, prevail on or procure such Soldier or Soldiers to desert or leave such Service as aforesaid, every such Person or Persons so offending as aforesaid, and being thereof lawfully convicted, shall, for every such Offence, forfeit to his Majesty, his Heirs or Successors, or to any other Person or Persons who shall sue for the same, the Sum of Forty Pounds, to be recovered by Bill, Plaint or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, or Wager of Law shall be allowed; and if it shall happen that any such Offender so convicted as aforesaid, hath not any

After June 1, 1716, Persons, persuading, &c. Soldiers to desert shall forfeit 40l.

And not having sufficient to pay it, to be impri-

Goods and Chattles, Lands or Tenements, to the Value of forty Pounds, to pay and satisfy the same, or that from the Circumstances and Heinousness of the Crime it shall be thought proper and convenient, the Court, before which the said Conviction shall be made, as aforesaid, shall award the said Offender to Prison, there to remain for any Time not exceeding six Months, without Bail or Mainprize, and also to stand in the Pillory for the Space of one Hour, in some Market-town next adjoining to the Place where the Offence was committed, in open Market there, or in the Market-town itself where the said Offence was committed.

No. 42. 1 George I. st. 2. c. 47. [...]soned 6 Months without Bail, and stand in the Pillory.

II. Provided always, and be it enacted by the Authority aforesaid, That no such Action shall be brought or Prosecution carried on by virtue of this Act, unless the same be commenced within six Months after the Offence committed.

Prosecution in 6 Months.

'III. And whereas to carry on the Service of the said Pretender, and for other wicked Purposes, many Papists pretending themselves Protestants, and taking the Oath of Abjuration, and subscribing the Test, when thereunto required, being so allowed to do by the Pope, and their other spiritual Superiors, the better to disguise and conceal their Designs, do inlist themselves in his Majesty's Troops, whereby the greatest Danger may arise to these Kingdoms, if not timely prevented:' Be it therefore enacted by the Authority aforesaid, That any Person or Persons having professed the Popish Religion, who since the first day of *February*, one thousand seven hundred and fifteen, have been inlisted in his Majesty's Troops, and who shall not, after the first day of *June* one thousand seven hundred and sixteen, in *Great Britain* or *Ireland*, or in the Isles of *Guernsey* or *Jersey*, produce a Testimonial of his having publickly renounced the same, or shall not, at the Time of his inlisting, declare to the Officer or Soldier who so inlisteth him, that he hath been, or at present is of the Popish Religion, shall in such Case be liable to, and receive such corporal Punishment, not extending to Loss of Life, as a Court Martial shall inflict for the same, who are hereby empowered so to do.

Punishment of Papists listing themselves in his Majesty's Service.

No. 43.

3 George I. c. 2.—An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.*

P.

'I. AND whereas by an Act of the first Year of his Majesty's Reign, intituled, "An Act for the more effectual and exemplary Punishment of such Persons as shall seduce Soldiers to desert, or being Papists, shall inlist themselves in his Majesty's Service in *Great Britain* or *Ireland*, or in the Islands of *Guernsey* or *Jersey*;" it is enacted, That any

No. 43. 3 George I. c. 2.

Penalties against the Act 1 Geo. I. st. 2. c. 47.

* Vide stat. 37 Geo. III. c. 74, post.

No. 43. 3 George I. c. 2. where to be sued for.

'Person or Persons whatsoever, who should directly or indirectly persuade or procure, or endeavour to persuade or procure any Soldier or Soldiers, in the Service of his Majesty, or of his Heirs or Successors, to desert, such Person or Persons so offending, and being thereof lawfully convicted, should forfeit the Sum of forty Pounds:' Now be it enacted, That for such Offences as shall be committed against the said recited Act, within that Part of *Great Britain* called *England*, the Penalties thereby enacted shall be sued for and recoverable in any of his Majesty's Courts of Record at *Westminster*, and for such Offences against the said Act, as shall be committed in that Part of *Great Britain* called *Scotland*, the same shall be sued for and recoverable in his Majesty's Court of Exchequer in *Scotland*; and for such Offences against the said Act as shall be committed in *Ireland*, the same shall and may be sued for and recoverable in any of the four Courts at *Dublin*; any Thing in the said recited Act to the contrary thereof in any wise notwithstanding.

No. 44.

9 George II. c. 30.—An Act to prevent the listing his Majesty's Subjects to serve as Soldiers without his Majesty's Licence.

No. 44. 9 George II. c. 30. Preamble.

'WHEREAS divers of his Majesty's Subjects have been of late seduced to enlist themselves to serve as Soldiers under foreign Princes, States or Potentates, which Practice is highly prejudicial to the Safety and Welfare of this Kingdom;' For Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Subject of the Crown of *Great Britain*, from and after the twenty-fourth Day of *June* next, shall within the Kingdom of *Great Britain* or *Ireland*, or from and after the twenty-ninth Day of *September* next without the same, enlist or enter himself, or if any Person shall procure any Subject of his Majesty, his Heirs or Successors, to enlist or enter himself, or hire or retain any Person being a Subject of his Majesty, his Heirs or Successors, with an Intent to cause such Person to enlist or enter himself, or procure any Person being a Subject of his Majesty, his Heirs or Successors, to go beyond the Seas, or embark, with an Intent and in order to be enlisted to serve any foreign Prince, State or Potentate as a Soldier, without Leave or Licence of his Majesty, his Heirs or Successors, first had and obtained for enlisting any of the Subjects of his Majesty, his Heirs or Successors, to serve any such foreign Prince, State or Potentate as Soldiers, under the Sign Manual of his Majesty, his Heirs or Successors, every such Person so offending, being thereof lawfully convicted, shall be taken, deemed and adjudged to be guilty of Felony,

Enlisting or procuring his Majesty's Subjects to enlist in foreign Service, Felony without Benefit of Clergy.

and shall suffer Death as in Cases of Felony without Benefit of Clergy.

No. 44. 19 George II. c. 30.

II. And be further enacted by the Authority aforesaid, That where any Offence against this Act shall be committed out of this Realm, the same may be alledged to be committed, and may be laid, enquired of and tried in any County in *England.*

Offences against this Act committed out of the Realm, may be tried in any County.

III. Provided always, and be it further enacted by the Authority aforesaid, That in case any Person so enlisted or inveigled, or enticed to go beyond the Seas in order to be enlisted, as a Non-commissioned Officer or private Soldier in any foreign Service, without his Majesty's Licence first had and obtained as aforesaid, shall, within fourteen Days after such Enlisting or Agreement to go beyond the Seas, voluntarily discover upon Oath before any of his Majesty's Justices of the Peace, or other civil Magistrate, the Person or Persons by whom he was so enlisted, inveigled or enticed as aforesaid, so as he or they may be apprehended and convicted of the said Offence, such Person or Persons so discovering as aforesaid shall be indemnified from the Penalty inflicted by this Act, and all other Penalties whatsoever on account of the said Offence.

Persons inveigled, making Discovery in 14 Days indemnified.

No. 45.

17 George II. c. 39.—An Act to make it High Treason to hold Correspondence with the Sons of the Pretender to his Majesty's Crown; and for attainting them of High Treason, in Case they shall land or attempt to land in *Great Britain*, or any of the Dominions thereunto belonging; and for suspending the Operation and Effect of a Clause in the Act of the seventh Year of the late Queen *Anne*, for improving the Union of the two Kingdoms, relating to Forfeitures for High Treason, until after the Decease of the Sons of the said Pretender.

No. 46.

20 George II. c. 30.—An Act for allowing Persons impeached of High Treason, whereby any Corruption of Blood may be made, or for Misprision of such Treason, to make their full Defence by Counsel.

'WHEREAS it is thought reasonable, that Persons impeached by the House of Commons of High Treason, 'whereby any Corruption of Blood is made, or for Misprision of Treason, should have the same Benefit and Advantage in making their Defence, as they may have on Indictments or other Prosecutions:' The Commons therefore

No. 46. 20 George II. c. 30.

No. 46. 20 George II. c. 30. humbly pray your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *June* in the Year of our Lord one thousand seven hundred and forty-seven, all and every Person and Persons whatsoever, who shall be impeached by the Commons of *Great Britain* of any High Treason, whereby any Corruption of Blood may or shall be made to any such Offender or Offenders, or to any the Heir or Heirs of any such Offender or Offenders, or for Misprision of such Treason, shall be received and admitted to make his or their full Defence by Counsel learned in the Law, not exceeding two Counsel, who shall be assigned for that Purpose, on the Application of the Party or Parties impeached, at any Time after the Articles of Impeachment shall be exhibited by the Commons.

No. 47.

29 George II. c. 17. — An Act to prevent his Majesty's Subjects from serving as Officers under the *French* King; and for the better enforcing an Act passed in the ninth Year of his present Majesty's Reign to prevent the inlisting his Majesty's Subjects to serve as Soldiers without his Majesty's Licence; and for obliging such of his Majesty's Subjects as shall accept Commissions in the *Scotch Brigade*, in the Service of the States General of the United Provinces, to take the Oaths of Allegiance and Abjuration.

No. 47. 29 George II. c. 17. 'WHEREAS divers of his Majesty's Subjects have been 'induced to serve as Officers under the *French* King, 'which Practice is highly to the Dishonour, and is greatly pre-'judicial to the Safety and Welfare of this Kingdom:' For Remedy thereof, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Subject of the Crown of *Great Britain*, from and after the first Day of *May* one thousand seven hundred and fifty-six, shall take or accept of any Military Commission, or otherwise enter into the Military Service of the *French* King, as a Commissioned or Non-Commissioned Officer, without Leave or Licence of his Majesty, his Heirs or Successors, first had and obtained for that Purpose, under the Sign Manual of his Majesty, his Heirs or Successors, every such Person so offending, being thereof lawfully convicted, shall be taken, deemed and adjudged to be guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Accepting of Military Commission, &c. in French King's Service, Felony.

II. And be it further enacted by the Authority aforesaid, That if any Commissioned or Non-commissioned Officer, or Private Soldier (being a Subject of the Crown of *Great Britain*) who may be now in the said Service, without his Majesty's Licence first had and obtained as aforesaid, do and shall, on or before the twenty-ninth day of *September* one thousand seven hundred and fifty-seven, return into this Kingdom, with Intent to become, and shall become, a dutiful and faithful Subject to his Majesty, his Heirs and Successors, and surrender himself to any one or more of his Majesty's Justices of the Peace within this Kingdom, and shall within the Time aforesaid, with good and sufficient Sureties, enter into a sufficient Recognizance to appear at the next General Assizes, or General Quarter Sessions of the Peace to be held for the County in which he or they shall so surrender, and shall at such General Assizes, or Quarter-Sessions of the Peace, take and subscribe the Oaths of Allegiance and Abjuration in open Court, such Officer or Soldier shall from thenceforth be exempted and freed from all Offences, Penalties and Forfeitures created by this Act, or by any other Act, against enlisting in Foreign Service; any Thing in this Act, or any former Act, to the contrary thereof in any wise notwithstanding.

No. 47. 29 George II. c. 17.

Officers, &c. returning within a limited Time, and taking, &c. the Oaths,

exempted from Penalties.

III. And be it further enacted, That if any Commissioned or Non-commissioned Officers or Private Soldiers (Subjects of the Crown of *Great Britain*) who are now in the Service of the *French King*, shall remain and continue in such Service, from and after the said twenty-ninth Day of *September* one thousand seven hundred and fifty-seven, without Leave or Licence from his Majesty, his Heirs and Successors, first had and obtained, under the Sign Manual of his Majesty, his Heirs or Successors, all and every such Persons and Person so offending, being thereof lawfully convicted, shall be taken, deemed and adjudged to be guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

'IV. And whereas a Practice has been introduced in 'order to evade and elude the Provisions made by an Act passed in the ninth Year of his present Majesty's Reign, intituled, " An Act to prevent the listing his Majesty's Subjects to 'serve as Soldiers without his Majesty's Licence," by hiring, 'retaining, or procuring his Majesty's Subjects to go beyond the 'Seas, or embark, with an Intent upon their Arrival abroad, to 'inlist and enter themselves to serve as Soldiers in Foreign Ser'vice, without actually giving them any inlisting Money at the 'Time of their so procuring them to go abroad; with the In'tent aforesaid: And whereas a Doubt has arose, whether 'the so hiring, retaining or procuring, his Majesty's Subjects, 'with Intent to embark, and go beyond the Seas, to be in'listed when abroad to serve as Soldiers in Foreign Service, 'without actually paying to such Persons, and their receiving 'inlisting Money here from the Persons so hiring, retaining 'or procuring, be an Inlisting within the Meaning and In'tention of the said Act of the ninth of his present Majesty, so

9 Geo. 2. c. 30

No. 47. 29 George II. c. 17.

Subjects contracting, &c. to inlist in Foreign Service,

'as to make such Person liable to the Provisions and Penalties 'of the said Act:' For removing the said Doubt, and for the more effectually preventing a Practice so highly detrimental to this Kingdom; Be it declared and enacted, That if any Subject of the Crown of *Great Britain* hath engaged, contracted or agreed, or shall engage, contract or agree, within the Kingdom of *Great Britain* or *Ireland*, to go beyond the Seas, or embark, with an Intent and in order to inlist and enter himself to serve as a Soldier in any Foreign Service, though no inlisting Money be actually paid to or received by him; or if any Person hath hired, retained, engaged, or procured, or shall hire, retain, engage or procure any Subject of his Majesty, his Heirs or Successors, though no inlisting Money hath been or shall be actually paid to or received by him, to agree to go beyond the Seas, or embark, with an Intent and in order to be inlisted to serve any Foreign Prince, State or Potentate, as a Soldier, without Leave or Licence of his Majesty, his Heirs or Successors, first had and obtained for that Purpose; every such Person so offending, being thereof lawfully convicted, shall be adjudged to be guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

and Persons engaging them, to suffer Death.

'V. And whereas it is highly necessary that Officers of 'Troops composed of *British* Subjects, and recruited in *Great* '*Britain*, by his Majesty's Permission, should not be permitted 'to enter into the Service of any Foreign Power or State what-'soever, without giving the most solemn Testimony of the 'Allegiance which they owe to his most sacred Majesty;' Be it further enacted by the Authority aforesaid, That if any of his Majesty's *British* Subjects shall, from and after the twenty-fourth day of *June* one thousand seven hundred and fifty-six, accept of Commissions in the Corps in the Service of their High Mightinesses the States General of the United Provinces, distinguished by the Name of *The Scotch Brigade*, and who are not already in that Service, every such Person shall, within six Months after the Date of such his Commission, take and subscribe the Oaths of Allegiance and Abjuration in one of his Majesty's Courts at *Westminster*, or at the General Assizes or General Quarter-Sessions of the Peace to be holden for some County, in that Part of *Great Britain* called *England*, or in the Court of Session, Court of Justiciary, Court of Exchequer, in that Part of *Great Britain* called *Scotland*, or in a Sheriff or Stewart Court, or before the Justices of the Peace at their Quarter-Sessions there, or in the Dominions of the States General, before his Majesty's Minister there (who are hereby impowered to administer such Oaths;) and every such Officer shall, within six Months after he shall have taken and subscribed such Oaths as aforesaid, transmit a Certificate thereof signed by Order of such Court, or Person or Persons before whom the same shall have been so taken and subscribed, as before directed, together with an Account of the Date of his Commission, to his Majesty's Secretary at War for the Time being, who is hereby required to register the Names of all

Subjects accepting Commissions in the Scotch Brigade, &c.

to take, &c. the Oaths,

such Officers, and the Dates of their Commissions, and such Court, or Person and Persons, before whom such Oaths are taken and subscribed, are hereby required to give such Certificate to every such Officer, as aforesaid; and every such Officer not now in the Service of the States General, who shall accept of a Commission in the Corps aforesaid, and shall not take and subscribe the Oaths aforesaid, and transmit a Certificate thereof, in Manner before directed, shall forfeit and pay the Sum of five hundred Pounds, to be recovered by Action of Debt, Bill, Plaint or Information, in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Session or Exchequer in *Scotland*; one Moiety whereof shall go to the Person or Persons who shall sue for the same, and the other Moiety to his Majesty, within one Year after such Person so offending shall come into *Great Britain*.

No. 47. 29 George II. c. 17.

on Penalty of 500l.

VI. And be it further enacted by the Authority aforesaid, That any Offence against this Act, though committed without this Realm, shall and may be alleged to be committed, and may be laid, enquired of, and tried, in any County in *Great Britain*.

Offences may be tried in Great Britain.

VII. Provided always, and be it enacted by the Authority aforesaid, That no Attainder for any Offence made Felony by this Act, shall make or work any Corruption of Blood, Loss of Dower, or Disherison of Heir or Heirs.

No Corruption of Blood.

No. 48.

6 George III. c. 53.—An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act of the seventh Year of her late Majesty Queen *Anne*, intituled, "An Act for the Improvement of the Union of the two Kingdoms;" as, after the Time therein limited, requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason, or Misprision of Treason.

III. 'AND whereas by an Act passed in the seventh Year of the Reign of her late Majesty Queen *Anne*, 'intituled, "An Act for improving the Union of the two 'Kingdoms," it is enacted, that from and after the Decease of 'the Person who pretended to be Prince of *Wales* during the 'Life of the late King *James*, and, since his Decease, pretended to be King of *Great Britain*, and, at the End of the Term 'of three Years after the immediate Succession to the Crown 'upon the Demise of her said late Majesty, should take Effect, 'when any Person is indicted for High Treason, or Misprision 'of Treason, a List of the Witnesses that shall be produced 'on the Trial for proving the said Indictment, and of the Jury, 'mentioning the Names, Profession, and Place of Abode, of

No. 48, 6 George III. c. 53. 7 Anne, c. 21.

No. 48. 6 George III. c. 53. 'the said Witnesses and Jurors, be also given, at the same 'Time that the Copy of the Indictment is delivered, to the 'Party indicted; and that Copies of all Indictments for the 'Offences aforesaid, with such Lists, shall be delivered to the 'Party indicted ten Days before the Trial, and in Presence of 'two or more credible Witnesses;' be it further enacted by the Authority aforesaid, That nothing contained in the said recited Act, shall any ways extend to any Indictment of High Treason for counterfeiting his Majesty's Coin, the Great Seal or Privy Seal, his Sign Manual or Privy Signet, or to any Indictment of High Treason, or to any Proceedings thereupon against any Offender or Offenders who by any Act or Acts now in Force, is and are to be indicted, arraigned, tried, and convicted, by such like Evidence, and in such Manner, as is used and allowed against Offenders for counterfeiting his Majesty's Coin.

Not to extend to Indictments for counterfeiting the Coin, &c.

No. 49.

12 George III. c. 24.—An Act for the better securing and preserving his Majesty's Dock Yards, Magazines, Ships, Ammunition, and Stores.

No. 49. 12 George III. c. 24.

'WHEREAS the Safety and Preservation of his Majesty's 'Ships of War, Arsenals, Magazines, Dock Yards, 'Rope Yards, Victualling Offices, Military, Naval, and Victualling Stores, and the Places where such Stores are kept or 'deposited, either within this Realm, or in any of the Islands, 'Countries, Forts, or Places thereunto belonging, is of great 'Importance to the Welfare and Security of the Kingdom; 'may it please your most Excellent Majesty, that it may be 'enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, either within this Realm, or in any of the Islands, Countries, Forts or Places thereunto belonging, wilfully and maliciously set on fire, or burn, or otherwise destroy, or cause to be set on fire, or burnt, or otherwise destroyed, or aid, procure, abet, or assist in the setting on fire, or burning, or otherwise destroying of any of his Majesty's Ships or Vessels of War, whether the said Ships or Vessels of War be on float, or building, or begun to be built, in any of his Majesty's Dock Yards, or building or repairing by Contract in any private Yards, for the Use of his Majesty, or any of his Majesty's Arsenals, Magazines, Dock Yards, Rope Yards, Victualling Offices, or any of the Buildings erected therein, or belonging thereto; or any Timber or Materials there placed, for building, repairing, or fitting out of Ships or Vessels; or any of his Majesty's Military, Naval, or Victualling Stores; or other Ammunition of War, or any Place or Places, where any such Military, Naval or Victualling Stores, or other Am-

Persons who shall wilfully set on fire, &c. Ships of War in any Dock Yards, &c. shall suffer Death.

munition of War, are, or shall be kept, placed, or deposited; that then the Person or Persons guilty of any such Offence, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall suffer Death, as in Cases of Felony, without Benefit of Clergy.

No. 49. 12 George III. c. 24.

II. And be it further enacted, by the Authority aforesaid, That any Person who shall commit any of the Offences before mentioned, in any Place out of this Realm, may be indicted and tried for the same, either in any Shire or County within this Realm, in like Manner and Form, as if such Offence had been committed within the said Shire or County, or in such Island, Country, or Place, where such Offence shall have been actually committed, as his Majesty, his Heirs, or Successors, may deem most expedient for bringing such Offender to Justice; any Law, Usage, or Custom notwithstanding.

Persons offending out of this Realm, may be tried in any Shire, &c.

No. 50.

30 George III 48.—An Act for discontinuing the Judgment which has been required by Law to be given against Women convicted of certain Crimes, and substituting another Judgment in lieu thereof.

No. 50. 30 George III. c. 48.

Preamble.

'WHEREAS it is expedient that the Judgment which has 'been required by Law to be given and awarded 'against any Woman or Women in the Cases of High Trea-'son, or of Petit Treason, should be no longer continued;' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the fifth Day of *June*, one thousand seven hundred and ninety, the Judgment to be given and awarded against any Woman or Women convicted of the Crime of High Treason, or of the Crime of Petit Treason, or of abetting, procuring, or counselling any Petit Treason, shall not be, that such Woman or Women shall be severally drawn to the Place of Execution, and be there burned to death; but that such Woman or Women, being so convicted as aforesaid, shall be severally drawn to the Place of Execution, and be there hanged by the Neck until she or they be severally dead; any Law or Usage to the contrary thereof in anywise notwithstanding.

From June 5, 1790, Women, convicted of High Treason, &c. to be hanged.

II. And be it further enacted by the Authority aforesaid, That if any Woman or Women shall be convicted of the Crime of Petit Treason, or of abetting, procuring, or counselling any Petit Treason, then and in every such Case, such Woman or Women shall be subject and liable to such further Pains and Penalties as are particularly specified and declared with respect to Persons convicted of wilful Murder, in an Act passed in the twenty-fifth Year of the Reign of King *George* the Second, (intituled, 'An Act for better preventing the horrid Crime of Murder;') and the Court before whom any such

Women convicted of Petit Treason, &c. to be liable to the same Punishment as Persons convicted of wilful Murder, as specified in Act 25 Geo. II. c. 37.

No. 50. 30 George III. c. 18.

Woman or Women shall be convicted, shall pass Sentence at such Time, and shall give such Orders with respect to the Time of Execution, the disposal of the Convict's Body after Execution, and all such Matters and Things as are directed to be given by the said Act, with respect to Persons convicted of wilful Murder.

If on June 5, 1790, any Woman shall be under Sentence to be burnt, his Majesty may order her to be hanged.

III. And be it further enacted, That if, on the fifth Day of *June*, one thousand seven hundred and ninety, any Woman or Women, having been convicted of the Crime of High Treason, or of the Crime of Petit Treason, shall have had Judgment to be burned to death, the Execution of which Sentence shall then remain to be done, it shall and may be lawful for his Majesty, if he shall think proper, by Warrant under the Hand of one of his Majesty's Principal Secretaries of State, to alter such Sentence, and to order, instead thereof, that such Woman or Women, so attainted as aforesaid shall, in Execution of such Judgment, be hanged by the Neck until she or they shall be severally dead; any Law to the contrary thereof notwithstanding.

Women convicted of High Treason, &c continue liable to the like Forfeitures, &c. as heretofore.

IV. And be it further enacted by the Authority aforesaid, That whenever any Woman or Women shall be convicted of the Crime of High Treason, or of the Crime of Petit Treason, or of abetting, procuring, or counselling any Petit Treason, and Judgment shall be given thereon according to the Directions of this Act, then, and in every such Case, such Woman or Women, being so attainted of such Crimes respectively, shall be subject and liable to such and the like Forfeitures, and Corruption of Blood, as they severally would have been in Case they had been severally attainted of the like Crimes before the passing of this Act.

No. 51.

36 George III. c. 7.—An Act for the Safety and Preservation of his Majesty's Person and Government against treasonable and seditious Practices and Attempts.—[18*th. December*, 1795.]*

No. 51. 36 George III. c. 7.

'WE, your Majesty's most dutiful and loyal Subjects, the 'Lords Spiritual and Temporal, and Commons, of '*Great Britain*, in this present Parliament assembled, duly 'considering the daring Outrages offered to your Majesty's 'most sacred Person, in your Passage to and from your Parlia-'ment at the opening of this present Session, and also the con-'tinued Attempts of wicked and evil-disposed Persons to dis-'turb the Tranquillity of this your Majesty's Kingdom, parti-'cularly by the Multitude of seditious Pamphlets and Speeches 'daily printed, published and dispersed, with unremitted 'Industry, and with a transcendant Boldness, in Contempt of 'your Majesty's Royal Person and Dignity, and tending to the

* See 57 Geo. III. c. 6.

'Overthrow of the Laws, Government, and happy Constitu- 'tion of these Realms, have judged that is become necessary 'to provide a further Remedy against all such treasonable and 'seditious Practices and Attempts: We, therefore, calling to 'Mind the good and wholesome Provisions which have at dif- 'ferent Times been made by the Wisdom of Parliament, for 'the averting such Dangers, and more especially for the Secu- 'rity and Preservation of the Persons of the Sovereigns of these 'Realms, do most humbly beseech your Majesty that it may be 'enacted;' and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons whatsoever, after the Day of the passing of this Act, during the natural Life of our most gracious Sovereign Lord the King, (whom Almighty God preserve and bless with a long and prosperous Reign) and until the End of the next Session of Parliament after a Demise of the Crown, shall, within the Realm or without, compass, imagine, invent, devise, or intend Death or Destruction, or any bodily Harm tending to Death or Destruction, Maim or Wounding, Imprisonment or Restraint, of the Person of the same our Sovereign Lord the King, his Heirs and Successors, or to deprive or depose him or them from the Style, Honour, or Kingly Name of the Imperial Crown of this Realm, or of any other of his Majesty's Dominions or Countries; or to levy War against his Majesty, his Heirs and Successors, within this Realm, in order, by Force or Constraint, to compel him or them to change his or their Measures or Counsels, or in order to put any Force or Constraint upon, or to intimidate, or overawe both Houses, or either House of Parliament; or to move or stir any Foreigner or Stranger with Force to invade this Realm, or any other his Majesty's Dominions or Countries, under the Obeisance of his Majesty, his Heirs and Successors; and such Compassings, Imaginations, Inventions, Devices, or Intentions, or any of them, shall express, utter or declare, by publishing any Printing or Writing, or by any overt Act or Deed; being legally convicted thereof, upon the Oaths of two lawful and credible Witnesses, upon Trial, or otherwise convicted or attainted by due Course of Law, then every such Person and Persons, so as aforesaid offending, shall be deemed, declared, and adjudged to be a Traitor and Traitors, and shall suffer Pains of Death, and also lose and forfeit as in Cases of High Treason.

No. 51. 36 George III, c. 7.

Persons who shall compass, devise, &c. the Death, Restraint, &c. of his Majesty or his Heirs, or to depose them, or to levy War to compel a Change of Measures, &c. to be deemed Traitors.

II. And be it further enacted by the Authority aforesaid, That if any Person or Persons within that Part of *Great Britain* called *England*, at any Time from and after the Day of the passing of this Act, during three Years from the Day of passing this Act, and until the End of the then next Session of Parliament, shall maliciously and advisedly, by Writing, Printing, Preaching, or other Speaking, express, publish, utter, or declare any Words or Sentences to incite or stir up the People to

Persons, in England, who shall, by Writing, &c. incite to Hatred or Contempt of his Majesty or the Government, &c. shall be guilty of High Misdemeanors;

No. 51. 36 George III. c. 7

Hatred or Contempt of the Person of his Majesty, his Heirs or Successors, or the Government and Constitution of this Realm, as by Law established, then every such Person and Persons, being thereof legally convicted, shall be liable to such Punishment as may by Law be inflicted in Cases of High Misdemeanors; and if any Person or Persons shall, after being so convicted, offend a second Time, and be thereupon convicted, before any Commission of Oyer and Terminer, or Gaol Delivery, or in his Majesty's Court of King's Bench, such Person or Persons may, on such second Conviction, be adjudged, at the Discretion of the Court, either to suffer such Punishment as may now by Law be inflicted in Cases of High Misdemeanors, or to be banished this Realm, or to be transported to such Place as shall be appointed by his Majesty for the Transportation of Offenders; which Banishment or Transportation shall be for such Term as the Court may appoint, not exceeding seven Years.

and for a second Offence may be punished as for a High Misdemeanor, or banished or transported for seven Years.

Persons banished or transported, found at large within Great Britain before the Expiration of their Term, to suffer Death.

III. And be it further enacted, That if any Offender or Offenders, who shall be so ordered by any such Court as aforesaid to be banished the Realm, or transported beyond the Seas, in Manner aforesaid, shall be afterwards at large within any Part of the Kingdom of *Great Britain*, without some lawful Cause, before the Expiration of the Term for which such Offender or Offenders shall have been ordered to be banished or transported beyond the Seas as aforesaid, every such Offender being so at large as aforesaid, being thereof lawfully convicted, shall suffer Death, as in Cases of Felony without Benefit of Clergy; and such Offender or Offenders may be tried, either before Justices of Assize, Oyer and Terminer, Great Sessions, or Gaol Delivery, for the County, City, Liberty, Borough or Place, where such Offender or Offenders shall be apprehended and taken, or from whence he, she, or they was or were ordered to be banished or transported; and the Clerk of Assize, Clerk of the Peace, or other Clerk or Officer of the Court, having the Custody of the Records where such Orders of Banishment or Transportation shall be made, shall, at the Request of the Prosecutor, or any other Person on his Majesty's Behalf, make out and give a Certificate, in Writing, signed by him, containing the Effect and Substance only (omitting the formal Part) of every Indictment and Conviction of such Offender or Offenders, and of the Order for his, her, or their Banishment or Transportation, to the Justices of Assize, Oyer and Terminer, Great Sessions, or Gaol Delivery, where such Offender or Offenders shall be indicted (not taking for the same more more than two Shillings and six Pence); which Certificate shall be sufficient Proof of the Conviction and Order for Banishment or Transportation of such Offender or Offenders.

Where such Persons may be tried.

Certificate of Conviction, &c. to be sufficient Proof.

Limitation of Actions for Misdemeanors; and

IV. Provided always, That no Person or Persons, by virtue of this present Act, shall for any Misdemeanor incur any the Penalties hereinbefore mentioned, unless he, she, or they be prosecuted within six Calendar Months next after the Offence committed, and the Prosecution brought to Trial or Judgment

within the first Term, Sittings, Assizes, or Sessions in which, by the Course of the Court wherein such Prosecution shall be depending, the Prosecutor could bring on such Trial, or cause such Judgment to be entered, or in the Term, Sittings, Assizes, or Session which shall next ensue, unless the Court in which such Prosecution shall be depending, or before which such Trial ought to be had, shall, on special Ground stated by Motion in open Court, think fit to enlarge the Time for the Trial thereof, or unless the Defendant shall be prosecuted to or towards an Outlawry; and that no Person shall, upon Trial, be convicted by virtue of this Act, for any Misdemeanor, but by the Oaths of two credible Witnesses.

No. 51. 36 George III. c. 7.

no Person to be convicted thereof but by the Oath of two Witnesses.

V. Provided always, and be it further enacted, That all and every Person or Persons that shall at any Time be accused, or indicted, or prosecuted, for any Offence made or declared to be Treason by this Act, shall be intitled to the Benefit of the Act of Parliament, made in the seventh Year of his late Majesty King *William* the Third, intituled, " An Act for regulating of Trials in Cases of Treason and Misprision of Treason;" and also to the Provisions made by another Act of Parliament, passed in the seventh Year of her late Majesty Queen *Anne*, intituled, " An Act for improving the Union of the two Kingdoms."

Persons accused of Treason, to be entitled to Benefit of 7 Gul. III. c. 3. and 7 Anne, c. 21.

VI. Provided also, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent or affect any Prosecution by Information or Indictment at the Common Law, for any Offence within the Provisions of this Act, unless the Party shall have been first prosecuted under this Act.

Act not to prevent Prosecution at Common Law.

No. 52.

36 George III. c. 8.—An Act for the more effectually preventing Seditious Meetings and Assemblies.—[18*th. December* 1795.]*

No. 52. 36 George III. c. 8.

'WHEREAS Assemblies of divers Persons, collected for 'the Purpose or under the Pretext of deliberating 'on Public Grievances, and of agreeing on Petitions, Com'plaints, Remonstrances, Declarations, or other Addresses, 'to the King, or to both Houses, or either House of Parlia'ment, have of late been made use of to serve the Ends of 'factious and seditious Persons, to the great Danger of the 'Public Peace, and may become the Means of producing Con'fusion and Calamities in the Nation:' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Meeting, of any Description of Persons,

No Meeting of more than fifty Persons (except County Meetings, &c.) to be

* I have inserted this Act, although expired, on Account of its connection with the Provisions of 39 Geo. III. c. 79.

No. 52.
56 George III. c. 8.

holden for or on Pretext of preparing Petitions for Alteration of Matters established in Church or State, unless previous Notice be given by seven Householders in some Newspaper, &c.

exceeding the Number of fifty Persons, (other than and except any Meeting of any County, Riding, or Division called by the Lord Lieutenant, Custos Rotulorum, or Sheriff of such County; or a Meeting called by the Convener of any County or Stewartry in that Part of *Great Britain* called *Scotland*; or any Meeting called by two or more Justices of the Peace of the County or Place where such Meeting shall be holden; or any Meeting of any County, having different Ridings or Divisions, called by any two Justices of any one or more of such Ridings or Divisions; or any Meeting called by the major Part of the Grand Jury of the County, or of the Division of the County, where such Meeting shall be holden, at their General Assizes or General Quarter Sessions of the Peace, or any Meeting of any City, or Borough, or Town Corporate, called by the Mayor or other Head Officer of such City, or Borough, or Town Corporate; or any Meeting of any Ward or Division of any City or Town Corporate, called by the Alderman or other Head Officer of such Ward or Division; or any Meeting of any Corporate Body,) shall be holden, for the Purpose or on the Pretext of considering of or preparing any Petition, Complaint, Remonstrance, or Declaration, or other Address to the King, or to both Houses, or either House of Parliament, for Alteration of Matters established in Church or State, or for the Purpose or on the Pretext of deliberating upon any Grievance in Church or State, unless Notice of the Intention to hold such Meeting, and of the Time and Place when and where the same shall be proposed to be holden, and of the Purpose for which the same shall be proposed to be holden, shall be given in the Names of seven Persons at the least, being Householders resident within the County, City, or Place where such Meeting shall be proposed to be holden, whose Places of Abode and Descriptions shall be inserted in such Notice, and which Notice shall be given by public Advertisement in some public Newspaper usually circulated in the County and Division where such Meeting shall be holden five Days at the least before such Meeting shall be holden, or shall be delivered in Manner hereinafter mentioned; and that such Notice shall not be inserted in any such Newspaper unless the Authority to insert such Notice shall be signed by seven Persons at the least, being Householders resident within the County, City, or Place where such Meeting shall be proposed to be holden, and named in such Notice, and unless such Authority, so signed, shall be written at the Foot of a true Copy of such Notice, and shall be delivered to the Person required to insert the same in any such Newspaper as aforesaid; which Person shall cause such Notice and Authority to be carefully preserved, and shall also, at any Time after such Notice shall have been inserted in such Paper, and within fourteen Days after the Day on which such Meeting shall be had, produce such Notice and Authority, and cause a true Copy thereof (if required) to be delivered to any Justice of the Peace for the County, City, Town, or Place where such Person shall reside, or where such Newspaper shall be printed, and who

Notice not to be inserted, unless the Authority to do so be written at the Foot thereof.

Notice and Authority to be preserved, and produced to a Justice if required.

No. 52. 36 George III. c. 8.

shall require the same; and in case any Person shall insert any such Notice in any Newspaper, without such Authority as aforesaid, or in case any Person to whom any such Notice and Authority shall have been delivered for the Purpose of inserting such Notice in any such Newspaper as aforesaid, shall refuse to produce such Notice and Authority, or to deliver a true Copy thereof, being thereunto required as aforesaid, within three Days after such Production and Copy, or either of them, shall have been so required, every such Person, for every such Offence, shall forfeit the Sum of fifty Pounds to any Person who shall sue for the same.

Penalty of 50l. for inserting Notice without such Authority, &c.

II. Provided always, nevertheless, and be it further enacted by the Authority aforesaid, That it shall be lawful to deliver any such Notice as aforesaid, signed by the seven Persons in whose Names such Notice shall be given, with their Places of Abode, and Descriptions, five Days at the least before the Day on which such Meeting shall be holden, to the Clerk of the Peace of the County, Riding, or Division, within which such Meeting shall be proposed to be holden; and such Clerk of the Peace shall forthwith, and without Delay, send a true Copy of such Notice, with such Signatures and Additions as aforesaid, to three Justices of the Peace at the least, of such County, Riding, or Division, then resident within such County, Riding, or Division; or in case the Justices of the Peace of the City, Borough, or Town, where such Meeting shall be proposed to be holden, shall have exclusive Jurisdiction, then to three of such Justices, if so many shall then be resident, within such Jurisdiction, and if not, then to so many of such Justices as shall be resident within such exclusive Jurisdiction; and in such Case, such Notice so given by such Means as aforesaid, shall be as effectual, to all Intents and Purposes, as if the same had been given by public Advertisement, inserted in any such Newspaper as aforesaid.

Notice may be given to the Clerk of the Peace, who shall forthwith send a Copy to the Justices:

Such Notice to be effectual.

III. And be it further enacted by the Authority aforesaid, That all Meetings, of any Description of Persons, exceeding the Number of fifty Persons, (other than except as aforesaid) which shall be holden without such previous Notice as aforesaid, for the Purpose or on the Pretext of considering of or preparing any Petition, Complaint, Remonstrance, Declaration, or other Address to the King, or both Houses, or either House of Parliament, for Alteration of Matters established in Church or State, or for the Purpose or on the Pretext of deliberating on any Grievance in Church or State, shall be deemed and taken to be unlawful Assemblies.

Meetings without Notice to be deemed unlawful Assemblies.

IV. And be it enacted by the Authority aforesaid, That if any Persons, exceeding the Number of fifty, being assembled contrary to the Provisions hereinbefore contained, and being required or commanded by any one or more Justice or Justices of the Peace, or by the Sheriff of the County or his Under Sheriff, or by the Mayor or other Head Officer or Justice of the Peace of any City or Town Corporate, where such Assembly shall be, by Proclamation to be made in the King's Name, in the

If 12 or more Persons assembled contrary to this Act, shall continue together one Hour after being required by a Justice, &c. to disperse, they shall suffer Death.

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Form hereinafter directed, to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business, shall, to the Number of twelve, or more, notwithstanding such Proclamation made, remain or continue together by the Space of an Hour after such Command or Request made by Proclamation, that then such continuing together to the Number of twelve or more, after such Command or Request made by Proclamation, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death, as in case of Felony without Benefit of Clergy.

Proclamation to be made in the following

V. And be it further enacted by the Authority aforesaid, That the Order and Form of the Proclamation to be made as aforesaid shall be as hereafter followeth; (that is to say,) the Justice of the Peace, or other Person authorized by this Act to make the same Proclamation, shall, among the said Persons assembled, or as near to them as he can safely come, with a loud Voice command, or cause to be commanded, Silence to be while Proclamation is making, and after that shall openly and with loud Voice make, or cause to be made, Proclamation in these Words, or like in Effect:

Form.

'OUR Sovereign Lord the King chargeth and commandeth 'all Persons being assembled immediately to disperse 'themselves, and peaceably to depart to their Habitations or 'to their lawful Business, upon the Pains contained in the Act, 'made in the thirty-sixth Year of King *George* the Third, "for 'the more effectually preventing Seditious Meetings and 'Assemblies." GOD save the KING.'

If in Meetings holden pursuant to Notice, any Matter shall be propounded or deliberated upon, purporting that any Thing by Law established may be altered except by Authority of King, Lords, and Commons, &c. a Magistrate may order them to disperse; and if 12 or more Persons shall continue together an Hour thereafter, they shall suffer Death.

VI. And be it further enacted by the Authority aforesaid, That in case any Meeting shall be holden, in pursuance of any such Notice as aforesaid, and the Purpose for which the same shall in such Notice have been declared to be holden, or any Matter which shall be in such Notice proposed to be propounded or deliberated upon at such Meeting, shall purport that any Matter or Thing by Law established may be altered otherwise than by the Authority of the King, Lords, and Commons, in Parliament assembled, or shall tend to incite or stir up the People to Hatred or Contempt of the Person of his Majesty, his Heirs or Successors, or of the Government and Constitution of this Realm, as by Law established, it shall be lawful for one or more Justice or Justices, or the Sheriff of the County where such Meeting shall be, or for the Mayor or other Head Officer, or any Justice of the Peace of any City or Town Corporate, where any such Meeting shall be, by Proclamation, to require or command the Persons there assembled to disperse themselves; and if any Persons, to the Number of twelve or more, being so required or commanded, by Proclamation to be made in the King's Name, in the Form hereinbefore directed, to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business, shall, to

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the Number of twelve or more, notwithstanding such Proclamation made, remain or continue together by the Space of one Hour after such Command or Request made by Proclamation, that then such continuing together to the Number of twelve or more, after such Command or Request made by Proclamation, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death, as in case of Felony without Benefit of Clergy.

Justices at Meetings on Notice may order Persons propounding or maintaining Propositions for altering any Thing by Law established except by Authority of the King, Lords, and Commons, &c. to be taken into Custody; and in case of Resistance may cause Proclamation to be made as aforesaid; and if 12 or more shall continue together an Hour thereafter, they shall suffer Death.

VII. And be it further enacted by the Authority aforesaid, That if any one or more Justice or Justices of the Peace, present at any Meeting requiring such Notice as aforesaid, shall think fit to order any Person or Persons who shall at such Meeting proceed to propound or maintain any Proposition for altering any Thing by Law established, otherwise than by the Authority of the King, Lords and Commons, in Parliament assembled, or shall wilfully and advisedly make any Proposition, or hold any Discourse, for the Purpose of inciting and stirring up the People to Hatred or Contempt of the Person of his Majesty, his Heirs or Successors, or the Government and Constitution of this Realm, as by Law established, to be taken into Custody, to be dealt with according to Law; and in case the said Justice or Justices, or any of them, or any Peace Officer acting under their or any of their Orders, shall be obstructed in taking into Custody any Person or Persons so ordered to be taken into Custody, then and in such Case it shall be lawful for any such Justice or Justices thereupon to make, or cause to be made, such Proclamation as aforesaid, in Manner aforesaid; and if any Persons to the Number of twelve or more, being required or commanded by such Proclamation to disperse themselves, and peaceably to depart as aforesaid, shall, to the Number of twelve or more, notwithstanding such Proclamation made, remain or continue together by the Space of one Hour after such Command or Request made by Proclamation, that then such continuing together to the Number of twelve or more, after such Command or Request made by Proclamation, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death, as in case of Felony without Benefit of Clergy.

Magistrates may resort to Assemblies and act, and may require the Assistance of Peace Officers.

VIII. And be it further enacted by the Authority aforesaid, That every Justice or Justices of the Peace, Sheriff, Under Sheriff, Mayor, and other Head Officer aforesaid, is and are hereby authorized and empowered, on Notice or Knowledge of any such Meeting or Assembly as is hereinbefore mentioned, to resort to the Place where such Meeting or Assembly shall be, or shall be intended to be holden, or to any Part thereof, and there to do, or order, or cause to be done, all such Acts, Matters, and Things, as the Case may require, which they are hereby enabled to do, or order to be done, or which they are otherwise by Law enabled to do, or order to be done; and it shall be lawful for all and every Justices of the Peace, Sheriff, Under Sheriff, Mayor, and other Head Officer as aforesaid, to take and require the Assistance of any Number of Constables

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or other Officers of the Peace, within their respective Districts, or within the District or Place wherein every such Meeting as hereinbefore mentioned shall be holden: which Constables and other Officers of the Peace are hereby required to attend accordingly such Justices, Sheriff, Under Sheriff, Mayor, or other Head Officer respectively, and to give such Assistance as shall be necessary for the due Execution of this Act.

Persons not dispersing within an Hour after Proclamation may be apprehended;

IX. And be it further enacted by the Authority aforesaid, That if such Person so assembled as aforesaid, or twelve or more of them, after any Proclamation made in Manner aforesaid, shall continue together, and not disperse themselves within one Hour, that then it shall and may be lawful to and for every Justice of the Peace, Sheriff, or Under Sheriff of the County where such Assembly shall be, and also to and for every High or Petty Constable, and other Peace Officer within such County, and also to and for every Mayor, Justice of the Peace, Sheriff, and other Head Officer, High or Petty Constable and other Peace Officer, of any City or Town Corporate where such Assembly shall be, and to and for such other Person and Persons as shall be commanded to be assisting unto any such Justice of the Peace, Sheriff or Under Sheriff, Mayor, other Head Officer aforesaid, who are hereby authorized and empowered to command all his Majesty's Subjects, of Age and Ability, to be assisting to them therein, to seize and apprehend, and they are hereby required to seize and apprehend, such Persons so assembled, and continuing together after Proclamation made as aforesaid, and forthwith to carry the Persons so apprehended before one or more of his Majesty's Justices of the Peace of the County or Place where such Persons shall be so apprehended, in order to their being proceeded against for such Offences according to Law; and that if the Persons so assembled, or any of them, shall happen to be killed, maimed, or hurt in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the Persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that then every such Justice of the Peace, Sheriff, Under Sheriff, Mayor, Head Officer, High or Petty Constable, or other Peace Officer, and all and singular Persons, being aiding and assisting to them or any of them, shall be free, discharged, and indemnified, as well against the King's Majesty, his Heirs and Successors, as against all and every other Person and Persons, of, for, or concerning the killing, maiming, or hurting of any such Person or Persons so assembled, that shall happen to be so killed, maimed, or hurt as aforesaid.

and if killed or maimed by reason of their Resistance, the Magistrate, &c. indemnified.

Persons obstructing Magistrates attending, or going to attend Meetings, or obstructing Persons proclaiming, to suffer Death.

X. Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons do or shall, with Force and Arms, wilfully and knowingly oppose, obstruct, or in any Manner wilfully and knowingly let, hinder, or hurt any Justice of the Peace, or other Person authorized as aforesaid, who shall attend any such Meeting as aforesaid, or who shall be going to attend any such Meeting, or any Per-

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son or Persons who shall begin to proclaim, or go to proclaim, according to any Proclamation hereby directed to be made, whereby such Proclamation shall not be made, that then every such opposing, obstructing, letting, hindering, or hurting any such Justice or other Persons so authorized as aforesaid, and so attending or going to attend any such Meeting, or any such Person or Persons so beginning or going to make any such Proclamation as aforesaid, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy; and that also every such Person or Persons so being assembled as aforesaid, to the Number of fifty or more as aforesaid, to whom any such Proclamation as aforesaid should or ought to have been made, if the same had not been hindered as aforesaid, shall likewise, in case they or any of them, to the Number of twelve or more, shall continue together, and not disperse themselves within one Hour after such Let or Hindrance so made, having Knowledge of such Let or Hindrance so made, shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy: and that also, if any Person or Persons, so being at any such Assembly as aforesaid, shall with Force and Arms wilfully and knowingly oppose, obstruct, or in any Manner wilfully and knowingly let, hinder, or hurt any Justice of the Peace, or other Magistrate, or any Peace Officer, in apprehending or taking into Custody, in Execution of any of the Provisions of this Act hereinbefore contained, any Person or Persons, or endeavouring so to do, that then every such opposing, obstructing, letting, hindering, or hurting, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy.

Persons assembled to whom Proclamation ought to have been made, if the same had not been hindered, continuing together to the Number of 12 or more, for an Hour after such Hindrance, to suffer Death.

Persons at such Assemblies opposing the taking of Offenders into Custody to suffer Death.

XI. And be it further enacted by the Authority aforesaid, That the Sheriffs Depute and their Substitutes, Stewards Depute and their Substitutes, Justices of the Peace, Magistrates of Royal Boroughs, and all other inferior Judges and Magistrates, and also all High and Petty Constables or other Peace Officers, of any County, Stewartry, City, or Town, within that Part of *Great Britain* called *Scotland*, shall have such and the same Powers and Authorities, for putting this present Act in Execution within *Scotland*, as the Justices of the Peace and other Magistrates aforesaid respectively have, by virtue of this Act, within and for the other Parts of this Kingdom; and that all and every Person and Persons who shall at any Time be convicted of any of the Felonies afore-mentioned, within that Part of *Great Britain* called *Scotland*, shall for every such Offence incur and suffer the Pain of Death, and Confiscation of Moveables.

Sheriffs Deputes, &c. in Scotland, to have the same Power as Justices in England.

Persons convicted of Felonies in Scotland, to incur the Pain of Death and Confiscation of Moveables.

'XII. And whereas certain Houses, Rooms, or Places 'within the Cities of *London* and *Westminster*, and in the 'Neighbourhood thereof, and in other Places, have of late been 'frequently used for the Purpose of delivering Lectures and

Places for Lectures or Debates concerning supposed public Grievances.

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'Discourses on and concerning supposed public Grievances, 'and Matters relating to the Laws, Constitution, and Government and Policy of these Kingdoms, and treating and debating on and concerning the same; and under Pretence thereof 'Lectures or Discourses have been delivered, and Debates 'held, tending to stir up Hatred and Contempt of his Majesty's 'Royal Person, and of the Government and Constitution of 'this Realm as by Law established:' Be it therefore enacted by the Authority aforesaid, That every House, Room, Field, or other Place where Lectures or Discourses shall be delivered, or public Debates shall be had on or concerning any supposed public Grievance, or any Matters relating to the Laws, Constitution, Government, or Policy of these Kingdoms, for the Purpose of raising or collecting Money, or any other valuable Thing, from the Persons admitted, whether such House, Room, Field, or Place shall be opened or used for any such Purpose alone, or for any such Purpose together with any other Purpose, or under whatever Pretence the same shall be opened or used, to which any Person shall be admitted by the Payment of Money, or by Tickets sold for Money, or in consequence of his paying or giving, or having paid or given, or agreeing thereafter to pay or give, in any Manner, any Money or other Thing for or in respect of his Admission into such House, Room, Field, or Place, unless the opening or using of such House, Room, Field, or Place shall have been previously licensed in Manner hereinafter mentioned, shall be deemed a disorderly House or Place, and the Person by whom such House, Room, Field, or Place shall be opened or used for the Purpose aforesaid, shall forfeit the Sum of one hundred Pounds for every Day or Time that such House, Room, Field, or Place shall be opened or used as aforesaid, to such Person as will sue for the same, and be otherwise punished as the Law directs in Cases of disorderly Houses; and every Person managing or conducting the Proceedings, or acting as Moderator, President, or Chairman, at such House, Room, Field, or Place, or therein debating, or delivering any Discourse or Lecture for the Purpose aforesaid, and also every Person who shall pay, give, collect, or receive, or agree to pay, give, collect, or receive, any Money or other Thing, for or in respect of the Admission of any Person into any such House, Room, Field, or Place, or shall deliver out, distribute, or receive any such Ticket or Tickets as aforesaid, knowing such House, Room, Field, or Place to be opened or used for such Purpose, shall for every such Offence forfeit the Sum of one hundred Pounds to such Person as will sue for the same.

where Money is paid for Admission, unless previously licensed, to be deemed disorderly Places, and the Persons opening or using them to forfeit 100l. &c.

And the Persons managing the Proceedings, and the Persons paying or receiving Money for Admission, or delivering or receiving Tickets, to forfeit 100l.

Persons appearing as Master, &c. of such Places liable to Prosecution.

XIII. And be it further enacted by the Authority aforesaid, That any Person who shall at any Time hereafter appear, act, or behave him or herself as Master or Mistress, or as the Person having the Command, Government, or Management of any such House, Room, Field, or Place as aforesaid, shall be deemed and taken to be a Person by whom the same is opened or used as aforesaid, and shall be liable to be sued

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or prosecuted, and punished as such, notwithstanding he or she be not, in Fact, the real Owner or Occupier thereof.

Magistrates who, by Information on Oath, have Reason to suspect that any Place is opened for delivering Lectures, &c. may demand to be admitted; and in case of Refusal, the Place to be deemed disorderly, and the Person refusing Admittance to forfeit 100l.

XIV. And be it further enacted by the Authority aforesaid, That it shall be lawful for any Justice or Justices of the Peace, or Chief Magistrate respectively, of any County, City, Borough, or Place, who shall, by Information upon Oath, have Reason to suspect that any House, Room, Field, or Place, or any Parts or Part thereof, are or is opened or used for the Purpose of delivering Lectures or Discourses, or for public Debate, contrary to the Provisions of this Act, to go to such House, Room, or Place, and demand to be admitted therein; and in case such Justice or Justices, or other Magistrate, shall be refused Admittance to such House, Room, Field, or Place, or any Part thereof, the same shall be deemed a disorderly House or Place, within the Intent and Meaning of this Act; and all and every the Provisions hereinbefore contained respecting any House, Room, Field, or Place, hereinbefore declared to be a disorderly House or Place, shall be applied to such House, Room, Field, or Place, where such Admittance shall have been refused as aforesaid, and every Person refusing such Admittance shall forfeit the Sum of one hundred Pounds to any Person who shall sue for the same.

Magistrates may demand Admittance to any licensed Place at the Time of delivering Lectures, &c. and if refused it shall be deemed disorderly;

XV. Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for any Justice or Justices of the Peace, or Chief Magistrate respectively, of any County, City, Borough, or Place, where any such House, Room, or other Building shall be licensed as aforesaid, to go to such House, Room, or Building so licensed, at the Time of delivering any such Lecture or Discourse therein as aforesaid, or at the Time appointed for delivering any such Lecture or Discourse, and demand to be admitted therein; and in case such Justice or Justices, or other Magistrate, shall be refused Admittance to such House, Room, or Building, the same shall be deemed, notwithstanding any such Licence as aforesaid, a disorderly House or Place, within the Meaning of this Act; and all and every the Provisions hereinbefore contained, respecting any House, Room, Field, or Place, hereinbefore declared to be a disorderly House or Place, shall be applied to such House, Room, or Building so licensed as aforesaid, where such Admittance shall have been refused as aforesaid; and every Person refusing such Admittance shall forfeit the Sum of one hundred Pounds to any Person who will sue for the same.

and the Person refusing Admittance shall forfeit 100l.

Justices may license Places for delivering Lectures; and may revoke them.

XVI. Provided nevertheless, and be it enacted by the Authority aforesaid, That it shall be lawful for two or more Justices of the Peace of the County, City, Town, or Place where any House, Room, or other Building shall be, which any Person shall be desirous to open for any of the Purposes aforesaid, by Writing under their Hands and Seals, at their General Quarter Session of the Peace, or at any Special Session to be held for the particular Purpose, to grant a Licence to any Person or Persons desiring the same, to open such House, Room,

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or other Building, for the Purpose of delivering for Money any such Lectures or Discourses as aforesaid, on any of the Subjects aforesaid, the same being clearly expressed in such Licence, for which Licence a Fee of one Shilling, and no more, shall be paid, and the same shall be in Force for the Space of one Year, and no longer, or for any less Space of Time, therein to be specified; and which Licence it shall be lawful for the Justices of the same County, City, Town, or Place, at any General Quarter Session of the Peace, to revoke and declare void and no longer in Force, by any Order of such Justices, a Copy whereof shall be delivered to or served upon the Person to whom the said Licence so revoked shall have been granted, or shall be left at the House, Room, or Building for which such Licence shall have been granted, and thereupon such Licence shall cease and determine, and be thenceforth utterly void and of no Effect.

Recovery of Forfeitures.

XVII. And be it further enacted by the Authority aforesaid, That any Person entitled to any of the Forfeitures aforesaid may sue by Action of Debt in any of his Majesty's Courts of Record at *Westminster*, or in the Courts of Justiciary or Exchequer in *Scotland*, when the Cause of Action shall arise in *Scotland*, in which Action it shall be sufficient to declare that the Defendant is indebted to the Plaintiff in the Sum of (being the Sum demanded by the said Action) being forfeited by an Act, made in the thirty-sixth Year of the Reign of his Majesty King *George* the Third, intituled, "An Act for the more effectually preventing Seditious Meetings and Assemblies;" and the Plaintiff, if he shall recover in any such Action, shall have his full Costs: Provided also, that if any Action or Suit shall be brought against any Person for any Thing done in pursuance and in Execution of this Act, the Defendant may plead the General Issue; and if a Verdict pass for the Defendant, or the Plaintiff discontinue his or her Action, or be nonsuited, or Judgment be given against the Plaintiff, then such Defendant shall have treble Costs.

General Issue.

Treble Costs.

Act not to extend to Universities,

XVIII. Provided also, That nothing in this Act contained shall be construed to extend to any Lectures or Discourses to be delivered in any of the Universities of these Kingdoms, by any Member thereof, or any Person authorized by the Chancellor, Vice Chancellor, or other proper Officers of such Universities respectively.

nor to Instructors of Youth.

XIX. Provided also, and be it enacted, That no Payment made to any Schoolmaster or other Person by Law allowed to teach and instruct Youth, in respect of any Lectures or discourses deliver by such Schoolmaster, or other Person, for the Instruction only of such Youth as shall be committed to his Instruction, shall be deemed a Payment of Money for Admission to such Lectures or Discourses within the Intent and Meaning of this Act.

Act not to abridge any Law for the Suppression or

XX. Provided also, That nothing in this Act contained shall be deemed to take away or abridge any Provision already made by the Law of this Realm, or of any Part thereof or

the Suppression or Punishment of any Offence whatsoever described in this Act.

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36 George III. c. 8.

XXI. And be it further enacted by the Authority aforesaid, That this Act shall be openly read at every *Epiphany* Quarter Sessions of the Peace, and at every Leet or Law Day.

Punishment of Offences herein described.

Act to be read at certain Times.

XXII. Provided always, That no Person shall be prosecuted by virtue of this Act, unless such Prosecution shall be commenced within six Calendar Months after the Offence committed; and no Action shall be brought, for any of the Penalties by this Act imposed, unless the same shall be brought within three Calendar Months next after the Offence committed.

Limitation of Actions.

XXIII. Provided also, That this Act shall commence and have Effect within the City of *London*, and within twenty Miles thereof, from the Day next after the Day of passing this Act, and shall commence and have Effect within all other Parts of the Kingdom, from the Expiration of seven Days next after the Day of passing this Act, and shall be and continue in force for three Years from the Day of passing this Act, and until the End of the then next Session of Parliament.

Commencement and Continuance of Act.

No. 53.

37 George III. c. 70.—An Act for the better Prevention and Punishment of Attempts to seduce Persons serving in his Majesty's Forces, by Sea or Land, from their Duty and Allegiance to his Majesty, or to incite them to Mutiny or Disobedience.—[6*th. June* 1797.]*

No. 53.
37 George III. c. 70

'WHEREAS divers wicked and evil-disposed Persons, 'by the Publication of written or printed Papers, 'and by malicious and advised Speaking, have of late industriously endeavoured to seduce Persons serving in his Majesty's Forces by Sea and Land from their Duty and Allegiance to his Majesty, and to incite them to Mutiny and Disobedience;' be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, any Person who shall maliciously and advisedly(1.) endeavour(2.) to seduce any Person or Persons serving in his Majesty's Forces, by Sea or Land, from

Any Person who shall attempt to seduce any Sailor or Soldier from his Duty, or incite him to Mutiny, &c. to be guilty of Felony without Clergy.

* Made perpetual 57 Geo. 3 c. 7.

(1.) It is not necessary to alledge a Knowledge that the Person was a Soldier. The Word "advisedly" is equivalent to *scienter*; R. *v.* Fuller, 1 B. and P. 180.

(2.) In an Indictment for endeavouring to seduce, it is not necessary to specify the Means employed; R. *v.* Fuller, 1 B. and P. 180.

No. 53. 37 George III. c. 70.

his or their Duty and Allegiance to his Majesty, or to incite or stir up any such Person or Persons to commit any Act of Mutiny, or to make, or endeavour to make, any mutinous Assembly, or to commit any traitorous or mutinous Practice whatsoever, shall, on being legally convicted of such Offence, be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Where Offences may be prosecuted.

II. Provided always, and be it enacted by the Authority aforesaid, That any Offence committed against this Act, whether committed on the High Seas or within that Part of *Great Britain* called *England*, shall and may be prosecuted and tried before any Court of Oyer and Terminer or Gaol Delivery for any County in that Part of *Great Britain* called *England*, in such Manner and Form as if the said Offence had been therein committed.

Persons tried for Offences against this Act, not to be tried again for the same, as High Treason, or Misprision of High Treason, &c.

III. Provided always, and it is hereby delared and enacted, That any Person who shall be tried and acquitted, or convicted of any Offence against this Act, shall not be liable to be indicted, prosecuted, or tried again for the same Offence or Fact, as High Treason, or Misprision of High Treason; and that nothing in this Act contained shall be construed to extend to prevent any Persons guilty of any Offence against this Act, and who shall not be tried for the same as an Offence against this Act, from being tried for the same as High Treason, or Misprision of High Treason, in such Manner as if this Act had not been made.

Continuance of Act.

IV. And be it further enacted by the Authority aforesaid, That this Act shall continue and be in force until the Expiration of one Month after the Commencement of the next Session of Parliament, and no longer.

No. 54.

37 George III. c. 123.—An Act for more effectually preventing the administering or taking of unlawful Oaths. [19*th*. *July*, 1797.]*

No. 54. 37 George III. c. 123.

'WHEREAS divers wicked and evil-disposed Persons 'have of late attempted to seduce Persons serving in 'his Majesty's Forces by Sea and Land, and others of his 'Majesty's Subjects, from their Duty and Allegiance to his 'Majesty, and to incite them to Acts of Mutiny and Sedition, 'and have endeavoured to give effect to their wicked and 'traitorous Proceedings, by imposing, upon the Persons whom 'they have attempted to seduce, the pretended Obligation of 'Oaths unlawfully administered;' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Person or Persons who shall, in any Manner or

Persons administering unlawful Oaths, or taking them

* See 52 Geo. III. c. 104, post.

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37 George III.

Form whatsoever, administer, or cause to be administered, or be aiding or assisting at, or present at and consenting to, the administering or taking of any Oath or Engagement, purporting or intended to bind the Person taking the same to engage in any mutinous or seditious Purpose; or to disturb the public Peace; or to be of any Association, Society, or Confederacy, formed for any such Purpose; or to obey the Orders or Commands of any Committee or Body of Men not lawfully constituted, or of any Leader or Commander, or other Person not having Authority by Law for that Purpose; or not to inform or give Evidence against any Associate, Confederate, or other Person; or not to reveal or discover any unlawful Combination or Confederacy; (1.) or not to reveal or discover any illegal Act done or to be done; or not to reveal or discover any illegal Oath or Engagement which may have been administered or tendered to or taken by such Person or Persons, or to or by any other Person or Persons, or the Import of any such Oath or Engagement; shall, on Conviction thereof by due Course of Law, be adjudged guilty of Felony, and may be transported for any Term of Years, not exceeding seven years; and every Person who shall take any such Oath or Engagement, (2.) not being compelled thereto, shall, on conviction thereof by due Course of Law, be adjudged guilty of Felony, and may be transported for any Term of Years, not exceeding seven years.

voluntarily, to be guilty of Felony, punishable with seven Years' Transportation.

II. Provided always, and be it further enacted, That Compulsion shall not justify or excuse any Person taking such Oath or Engagement, unless he or she shall, within four Days after the taking thereof, if not prevented by actual Force or Sickness, and then within four Days after the Hindrance produced by such Force or Sickness shall cease, declare the same, together with the whole of what he or she shall know touching the same, and the Person or Persons by whom, and in whose Presence, and when and where such Oath or Engagement was administered or taken, by information on Oath before one of his Majesty's Justices of the Peace, or one of his Majesty's principal Secretaries of State, or his Majesty's Privy Council; or, in case the Person taking such Oath or Engagement shall be in actual Service in his Majesty's Forces by Sea or Land, then by such Information on Oath as aforesaid, or by Information to his Commanding Officer.

Persons compelled to take such Oaths, not justified, unless they declare the same within four Days.

III. And be it further enacted, That persons aiding and assisting at, or present at and consenting to, the administering or taking of any such Oath or Engagement as aforesaid, and Persons causing any such Oath or Engagement to be ad-

Persons aiding, &c. at taking such Oaths, or causing them to be administered,

(1.) This extends to an unlawful Combination for raising Wages; R. v. Marks, 3 E. 157.

(2.) Where the Party administering the Oath held a Paper from which the Witness supposed he read the Oath, parol Evidence was admitted without Notice to produce the Paper.—Where the Oath was not seditious on the Face of it, parol Evidence admitted to shew that "the Brotherhood" referred to was a seditious Society; R. v. Moors, 6 E. 421.

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though not present, to be deemed Principals.

ministered or taken, though not present at the administering or taking thereof, shall be deemed principal Offenders, and shall be tried as such, although the Persons or Person who actually administered such Oath or Engagement, if any such there shall be, shall not have been tried or convicted.

In Indictments it shall be sufficient to set forth the Purport of such Oaths.

IV. And be it further enacted, That it shall not be necessary, in any Indictment, against any Person or Persons administering, or causing to be administered or taken, or taking any such Oath or Engagement as aforesaid, or aiding or assisting at, or present at and consenting to, the administering or taking thereof, to set forth the Words of such Oath or Engagement; and that it shall be sufficient to set forth the Purport (3.) of such Oath or Engagement, or some material Part thereof.

Engagements in the Nature of an Oath, to be deemed Oaths, &c.

V. Provided always, and be it further enacted, That any Engagement or Obligation whatsoever, in the Nature of an Oath, shall be deemed an Oath within the Intent and Meaning of this Act, in whatever Form or Manner the same shall be administered or taken; and whether the same shall be actually administered by any Person or Persons to any other Person or Persons, or taken by any Person or Persons without any Administration thereof by any other Person or Persons.

Where Offences may be prosecuted.

VI. Provided also, and be it further enacted by the Authority aforesaid, That any Offence committed against this Act on the High Seas, or out of this Realm, or within that Part of *Great Britain* called *England*, shall and may be prosecuted, tried, and determined, before any Court of Oyer and Terminer or Gaol Delivery, for any County in that Part of *Great Britain* called *England*, in such Manner and Form as if such Offence had been therein committed; and if committed in that Part of *Great Britain* called *Scotland*, shall and may be prosecuted, tried, and determined, either before the Justiciary Court at *Edinburgh*, or in any of the Circuit Courts in that Part of the United Kingdom.

Persons tried under this Act, not to be tried again for the same Offence; but if not so tried, may be tried as for High Treason, &c.

VII. Provided also, and it is hereby declared, That any Person who shall be tried, and acquitted or convicted of any Offence against this Act, shall not be liable to be indicted, prosecuted, or tried again, for the same Offence or Fact, as High Treason, or Misprision of High Treason; and that nothing in this Act contained shall be construed to extend to prevent any Person guilty of any Offence against this Act, and who shall not be tried for the same as an Offence against this Act, from being tried for the same as High Treason, or Misprision of High Treason, in such Manner as if this Act had not been made.

(3.) An Indictment for administering an Oath to A. B. *intended* to bind him not to inform or give Evidence against any Member of a certain Society formed to disturb the Peace, for any Act or Expression of theirs, is good without alledging the Tenor or Purport of the Oath, or shewing in what Manner the Peace was intended to be disturbed by such Society; R. *v.* Moors, 6 E. 419.

No. 55.

39 George III. c. 79.—An Act for the more effectual Suppression of Societies established for Seditious and Treasonable Purposes; and for better preventing Treasonable and Seditious Practices.—[12*th.* *July* 1799.]

'WHEREAS a traitorous Conspiracy has long been carried 'on, in conjunction with the Persons from Time to 'Time exercising the Powers of Government in *France*, to 'overturn the Laws, Constitution, and Government, and every 'existing Establishment, Civil and Ecclesiastical, both in '*Great Britain* and *Ireland*, and to dissolve the Connection 'between the two Kingdoms, so necessary to the Security and 'Prosperity of both: And whereas, in pursuance of such De'sign, and in order to carry the same into Effect, divers Socie'ties have been of late Years instituted in this Kingdom, and 'in the Kingdom of *Ireland*, of a new and dangerous Nature, 'inconsistent with Publick Tranquillity, and with the Existence 'of regular Government, particularly certain Societies calling 'themselves *Societies of United Englishmen, United Scotsmen,* '*United Britons, United Irishmen,* and *The London Correspon*'*ding Society:* And whereas the Members of many such Socie'ties have taken unlawful Oaths and Engagements of Fidelity 'and Secrecy, and used secret Signs, and appointed Commit'tees, Secretaries, and other Officers, in a secret Manner; 'and many of such Societies are composed of different Divi'sions, Branches or Parts, which communicate with each 'other by Secretaries, Delegates, or otherwise, and by means 'thereof maintain an Influence over large Bodies of Men, and 'delude many ignorant and unwary Persons into the Commis'sion of Acts highly criminal: And whereas it is expedient 'and necessary that all such Societies as aforesaid, and all So'cieties of the like Nature, should be utterly suppressed and 'prohibited, as unlawful Combinations and Confederacies, 'highly dangerous to the Peace and Tranquillity of these King'doms and to the Constitution of the Government thereof, as 'by Law established:' Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all the said Societies of *United Englishmen, United Scotsmen, United Irishmen,* and *United Britons,* and the said Society commonly called *The London Corresponding Society,* and all other Societies called *Corresponding Societies,* of any other City, Town, or Place, shall be, and the same are hereby utterly suppressed and prohibited, as being unlawful Combinations and Confederacies against the Government of our Sovereign Lord the King, and against the Peace and Security of his Majesty's liege Subjects.

No. 55. 39 George III. c. 79.

Certain Societies suppressed.

No. 55.
39 George III. c. 79.

All Societies shall be deemed unlawful, the Members whereof shall be required to take any Oath unlawful under 37 Geo 3, c. 123, or any Oath, Test, &c. not authorized by Law; or which shall have any Members, Committees, &c. not known to the Society at large, or the Names of all the Members whereof shall not be entered in regular Books; or which shall act in separate or distinct Branches; and Members thereof, and Persons corresponding with or supporting them, guilty of an unlawful Combination.

II. And be it further enacted by the Authority aforesaid, That, from and after the passing of this Act, all and every the said Societies, and also every other Society now established or hereafter to be established, the members whereof shall, according to the Rules thereof, or to any Provision or Agreement for that Purpose, be required or admitted to take any Oath or Engagement, which shall be an unlawful Oath or Engagement within the Intent and Meaning of an Act, passed in the thirty-seventh Year of his Majesty's Reign, intituled, "An Act for more effectually preventing the administering or taking of unlawful Oaths," or to take any Oath not required or authorized by Law; and every Society, the Members whereof, or any of them, shall take, or in any Manner bind themselves by any such Oath or Engagement, on becoming or in consequence of being Members of such Society; and every Society, the Members whereof shall take, subscribe, or assent, to any Test or Declaration not required by Law, or not authorized in Manner hereinafter mentioned; and every Society, of which the names of the Members, or any of them, shall be kept secret from the Society at large, or which shall have any Committee or select Body so chosen or appointed, that the Members constituting the same shall not be known by the Society at large to be Members of such Committee or select Body, or which shall have any President, Treasurer, Secretary, Delegate, or other Officer so chosen or appointed, that the Election or Appointment of such Persons to such Offices shall not be known to the Society at large, or of which the names of all the Members, and of all Committees or select Bodies of Members, and of all Presidents, Treasurers, Secretaries, Delegates, and other Officers, shall not be entered in a Book or Books to be kept for that Purpose, and to be open to the Inspection of all the Members of such Society; and every Society which shall be composed of different Divisions or Branches, or of different Parts, acting in any Manner separately or distinct from each other, or of which any Part shall have any separate or distinct President, Secretary, Treasurer, Delegate, or other Officer, elected or appointed by or for such Part, or to act as an Officer for such Part; shall be deemed and taken to be unlawful Combinations and Confederacies; and every Person who, from and after the passing of this Act, shall become a Member of any such Society, or who, being a Member of any such Society at the passing of this Act, shall afterwards act as a Member thereof; and every person who, after the passing of this Act, shall directly or indirectly maintain Correspondence or Intercourse with any such Society, or with any Division, Branch, Committee, or other select Body, President, Treasurer, Secretary, Delegate, or other Officer, or Member thereof as such, or who shall, by Contribution of Money or otherwise, aid, abet, or support such Society, or any Members or Officers thereof as such; shall be deemed guilty of an unlawful Combination and Confederacy.

Act shall not extend to Declarations ap-

III. Provided always nevertheless, and be it enacted, That nothing herein contained shall extend to any Declaration to be

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taken, subscribed, or assented to by the Members of any Society, in case the Form of such Declaration shall have been first approved and subscribed by two or more of his Majesty's Justices of the Peace for the County, Stewartry, Riding, Division, or Place, where such Society shall ordinarily assemble, and shall have been registered with the Clerk of the Peace, or his Deputy, for such County, Stewartry, Riding, Division, or Place, for which there shall be paid a Fee of one Shilling and no more; but that such Approbation of the Justices as aforesaid shall remain valid and effectual no longer than until the next General Session for such County, Stewartry, Riding, Division, or Place, unless the same shall, on Application made by the Parties concerned, be confirmed by the major Part of the Justices present at such General Session; and if the same shall not be then and there so confirmed, the Provisions of this Act shall from thenceforth extend to such Declaration, and to all Societies or Persons subscribing the same, in so far as may relate to all Acts which may be done by them, or any of them, subsequent to the holding of such General Session.

proved by two Justices, and registered with the Clerk of the Peace; provided such Approbation be confirmed at the next General Quarter Session.

IV. Provided also, and be it enacted, That no Person who, at or before the passing of this Act, shall be, or shall have been a Member of any such Society, shall be liable to any Pain or Penalty for having been a Member of such Society at or before the passing of this Act, in case such Person shall not in any Manner act as a Member of such Society at any Time after the passing of this Act.

Former Members not acting after passing this Act, not liable to Penalty.

'V. And whereas certain Societies have been long accustomed to be holden in this Kingdom under the Denomination of *Lodges of Free Masons*, the Meetings whereof have been in great Measure directed to charitable Purposes;' be it therefore enacted, That nothing in this Act shall extend to the Meetings of any such Society or Lodge which shall, before the passing of this Act, have been usually holden under the said Denomination and in conformity to the Rules prevailing among the said Societies of Free Masons.

Not to extend to regular Lodges of Free Masons held before passing this Act;

VI. Provided always, That this Exemption shall not extend to any such Society, unless two of the Members composing the same shall certify upon Oath, (which Oath any Justice of the Peace or other Magistrate is hereby empowered to administer,) that such Society or Lodge has, before the passing of this Act, been usually held under the Denomination of a *Lodge of Free Masons*, and in conformity to the Rules prevailing among the Societies or Lodges of Free Masons in this Kingdom; which Certificate, duly attested by the Magistrate before whom the same shall be sworn, and subscribed by the Person so certifying, shall, within the Space of two Calendar Months after the passing of this Act, be deposited with the Clerk of the Peace for the County, Stewartry, Riding, Division, Shire, or Place, where such Society or Lodge hath been usually held: Provided also, That this Exemption shall not extend to any such Society or Lodge, unless the Name or Denomination thereof, and the usual Place or Places, and the

but two Members of each Lodge shall certify the same on Oath, and deposit such Certificate within two Months with the Clerk of the Peace, with whom the Name of the Society, the Names of the Members, and the Time and Place of Meeting, shall be registered before March 25, yearly.

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Time or Times of its Meetings, and the Names and Descriptions of all and every the Members thereof, be registered with such Clerk of the Peace as aforesaid, within two Months after the passing of this Act, and also on or before the twenty-fifth Day of *March* in every succeeding Year.

Clerk of the Peace to lay such Certificate and Registry before the General Session yearly, who may order any Lodge to be discontinued, if likely to be injurious to the publick Peace.

VII. And be it enacted, That the Clerk of the Peace, or the Person acting in his Behalf, in any such County, Stewartry, Riding, Division, Shire, or Place, is hereby authorized and required to receive such Certificate, and make such Registry as aforesaid, and to enrol the same among the Records of such County, Stewartry, Riding, Division, Shire, or Place, and to lay the same, once in every Year, before the General Session of the Justices for such County, Stewartry, Riding, Division, Shire, or Place; and that it shall and may be lawful for the said Justices, or for the major Part of them, at any of their General Sessions, if they shall so think fit, upon Complaint made to them, upon Oath, by any one or more credible Persons, that the Continuance of the Meetings of any such Lodge or Society is likely to be injurious to the publick Peace and good Order, to direct that the Meetings of any such Society or Lodge within such County, Stewartry, Riding, Division, Shire, or Place, shall from thenceforth be discontinued; and any such Meeting held, notwithstanding such Order of Discontinuance, and before the same shall, by the like Authority, be revoked, shall be deemed an unlawful Combination and Confederacy under the Provisions of this Act.

Offenders may be proceeded against, either summarily before one Justice, or by Indictment.

VIII. And be it further enacted, That every Person who, at any Time after the passing of this Act, shall, in Breach of the Provisions thereof, be guilty of any such unlawful Combination and Confederacy, as in this Act is described, shall and may be proceeded against for such Offence in a summary Way, either before one or more Justice or Justices of the Peace for the County, Stewartry, Riding, Division, City, Town, or Place, where such Person shall happen to be, or by Indictment to be preferred in the County, Riding, Division, City, Town, or Place in *England*, wherein such Offence shall be committed, or by Indictment in the Court of Justiciary, or in any of the Circuit Courts in *Scotland*, if the Offence shall be committed in *Scotland*; and every Person being convicted of any such Offence, on the Oath of one or more credible Witness or Witnesses, by such Justice or Justices as aforesaid, shall be by him or them committed to the Common Gaol or House of Correction for such County, Stewartry, Riding, Division, City, Town or Place, there to remain, without Bail or Mainprize, for the Term of three Calendar Months, or shall be by such Justice or Justices adjudged to forfeit and pay the Sum of twenty Pounds, as to such Justice or Justices shall seem meet; and in case such Sum of Money shall not be forthwith paid into the Hands of such Justice or Justices, he or they shall, by Warrant under his or their Hand and Seal, or Hands and Seals, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and

Persons convicted before a Justice shall forfeit 20l. or suffer three Months Imprisonment, and Persons convicted on Indictment shall be transported for seven Years.

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Charges attending such Distress and Sale, and for Want of sufficient Distress, shall commit such Offender to the Common Gaol or House of Correction of such County, Stewartry, Riding, Division, City, Town, or Place as aforesaid, for any Time not exceeding three Calendar Months; and every Person convicted of any such Offence upon Indictment by due Course of Law, shall and may be transported for the Term of seven Years, in the Manner provided by Law for Transportation of Offenders, or imprisoned for any Time not exceeding two Years, as the Court before whom such Offender shall be tried shall think fit; and every such Offender, who shall be ordered to be transported, shall be subject and liable to all Laws concerning Offenders ordered to be transported.

Justices may mitigate Punishment.

IX. Provided always, That it shall be lawful for the Justice or Justices of the Peace, by or before whom any Persons shall, in pursuance of this Act, be convicted of any unlawful Combination or Confederacy, and such Justice and Justices is and are hereby authorized and empowered (if he or they shall see Cause) to mitigate and lessen the Punishment herein-before directed to be inflicted upon any Offender against this Act, so convicted as aforesaid, so as such Punishment be not thereby reduced to less than one Third of the Punishment hereby directed to be inflicted as aforesaid, whether such Punishment shall be by Imprisonment or Fine.

Persons prosecuted either before a Justice, or indicted, not liable to other Prosecution.

X. Provided also, and be it further enacted, That any Person who shall be prosecuted before any Justice or Justices of the Peace, in a summary Way, for any Offence against this Act, and shall be convicted or acquitted by such Justice or Justices, shall not afterwards be prosecuted, or be liable to be prosecuted, by Indictment or otherwise, for the same Offence; and so in like manner any Person who shall be convicted or acquitted upon any Indictment for any Offence against this Act, shall not afterwards be prosecuted, or be liable to be prosecuted before any Justice or Justices of the Peace, in a summary Way, for the same Offence.

Offenders may be indicted, as heretofore, if not prosecuted under this Act.

XI. Provided also, That nothing in this Act contained shall extend to prevent any Prosecution by Indictment, or otherwise, for any Thing which shall be an Offence within the Intent and Meaning of this Act, and which might have been so prosecuted if this Act had not been made, unless the Offender shall have been prosecuted for such Offence under this Act, and convicted or acquitted of such Offence; save only that no Person shall be prosecuted for having been, before the passing of this Act, a Member of any Society hereby declared to be an unlawful Combination and Confederacy, if such Person shall in any Manner have acted as a Member of such Society after the passing of this Act.

Persons in Custody or on Bail, at passing this Act, still liable to Prosecution.

XII. Provided always, That nothing herein contained shall extend to discharge any Person in Custody at the passing of this Act, or who, having been in Custody, shall have been discharged, on Bail or Recognizance, from any Prose-

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cution which might have been had against such Person if this Act had not been made.

Penalty for permitting unlawful Meetings.

XIII. And be it further enacted, That if any Person shall knowingly permit any Meeting of any Society hereby declared to be an unlawful Combination or Confederacy, or of any Division, Branch, or Committee of such Society, to be held in his or her House or Apartment, such Person shall, for the first Offence, forfeit the Sum of five Pounds, and shall, for any such Offence committed after the Date of his or her Conviction for such first Offence, be deemed guilty of an unlawful Combination and Confederacy in Breach of this Act.

Justices on Oath of an unlawful Meeting being held, may declare the Licence of the House forfeited.

XIV. And be it further enacted, That it shall be lawful for any two or more Justices of the Peace acting for any County, Stewartry, Riding, Division, City, Town, or Place, upon Evidence on Oath that any Meeting of any Society, hereby declared to be an unlawful Combination and Confederacy, or any Meeting for any seditious Purpose, hath been held, after the passing of this Act, at any House, Room, or Place, licensed for the Sale of Ale, Beer, Wine, or Spirituous Liquors, to adjudge and declare the Licence or Licences for selling Ale, Beer, Wine, or Spirituous Liquors, granted to the Person or Persons keeping such House, Room, or Place, to have been forfeited; and the Person or Persons so keeping such House, Room, or Place, shall, from and after the Day of the Date of such Adjudication and Declaration, be subject and liable to all and every the Penalties and Forfeitures for any Act done after that Day, which such Person or Persons would be subject and liable to, if such Licence or Licences had expired, or otherwise determined on that Day.

'XV. And whereas divers Places have of late been used 'for delivering Lectures or Discourses, and holding Debates, 'which are not within the Provisions of the Act, passed in the 'thirty-sixth Year of his Majesty's Reign, for the more effec'tually preventing seditious Meetings and Assemblies, but 'which Lectures, Discourses, or Debates, have in many In'stances been of a seditious and immoral Nature; and other 'Places have of late been used for seditious and immoral Pur'poses, under the Pretence of being Places of Meeting for 'the Purpose of reading Books, Pamphlets, Newspapers, or 'other Publications;' Be it further enacted, That every House, Room, Field, or other Place, at or in which any Lecture or Discourse shall be publickly delivered, or any publick Debate shall be had on any Subject whatever, for the Purpose of raising or collecting Money, or any other valuable Thing from the Persons admitted, or to which any Person shall be admitted by Payment of Money, or by any [illegible] or Token of any Kind delivered in consideration of M[illegible]y other valuable Thing, or in consequence of pay[illegible]ving, or having paid or given, or having agreed to pay or give, in any Manner, any Money or other valuable Thing, or where any Money or other valuable Thing shall be received from any Person admitted either under Pretence of paying for any Re-

Every Place for lecturing, debating, or reading Books, Newspapers, &c. where Money shall be paid, shall be deemed a disorderly House under 36 Geo. 3. c. 8. unless previously licensed.

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freshment or other Thing, or under any other Pretence, or for any other Cause, or by Means of any Device or Contrivance whatever; and every House, Room, or Place, which shall be opened or used as a Place of Meeting, for the Purpose of readings Books, Pamphlets, Newspapers, or other Publications, and to which any Person shall be admitted by Payment of Money, or by any Ticket or Token of any Kind delivered in consideration of Money or other valuable Thing, or in consequence of paying or giving, or having paid or given, or having agreed to pay or give, any Money, or other valuable Thing, or where any Money or other valuable Thing shall be received from any Person admitted either under Pretence of paying for any Refreshment or other Thing, or under any other Pretence, or for any other Cause, or by means of any Device or Contrivance whatever; shall be deemed a disorderly House or Place within the Intent and Meaning of the said Act, passed in the thirty-sixth Year of his Majesty's Reign, for the more effectually preventing seditious Meetings and Assemblies, unless the same shall have been previously licensed in Manner herein-after mentioned; and the Person by whom such House, Room, Field, or Place, shall be opened or used, for any of the Purposes aforesaid, shall forfeit the Sum of one hundred Pounds, for every Day or Time that such House, Room, Field, or Place, shall be opened or used as aforesaid to such Person as will sue for the same, and be otherwise punished as the Law directs in Cases of disorderly Houses; and every Person managing or conducting the Proceedings, or acting as Moderator, President, or Chairman, at such House, Room, Field, or Place, so opened or used as aforesaid, or therein debating, or delivering any Discourse or Lecture, or furnishing or delivering any Book, Pamphlet, Newspaper, or other Publication as aforesaid; and also every Person who shall pay, give, collect, or receive, or agree to pay, give, collect, or receive any Money, or any Thing, for or in respect of the Admission of any Person into any such House, Room, Field, or Place, or shall deliver out, distribute, or receive any such Ticket or Tickets, or Token or Tokens as aforesaid, knowing such House, Room, Field, or Place to be opened or used for any such Purpose as aforesaid, shall, for every such Offence, forfeit the Sum of twenty Pounds.

Penalty on Persons opening such Houses, conducting the Proceedings, debating, furnishing Books, paying or collecting Money for Admission, &c. 20l.

XVI. And be it further enacted, That any Person who shall at any Time hereafter appear, act, or behave him or herself as Master or Mistress, or as the Person having the Command, Government, or Management of any such House, Room, Field, or Place as aforesaid, shall be deemed and taken to be a Person by whom the same is opened or used as aforesaid, and shall be liable to be sued or prosecuted, and punished as such, notwithstanding he or she be not in Fact the real Owner or Occupier thereof.

Person appearing as Master liable to Prosecution, although not the real Occupier of the House.

XVII. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace of any County, Stewartry, City, Borough, Town, or Place, who shall, by Information upon Oath have Reason to suspect that any House,

Justices by Information on Oath, suspecting any Place is opened for lec-

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turing &c may demand Admittance, and if refused, the Place shall be deemed disorderly, and the Person so refusing shall forfeit 20l.

Room, Field, or Place, or any Parts or Part thereof, are or is opened or used for the Purpose of delivering Lectures or Discourses, or for publick Debate, or for the Purpose of reading Books, Pamphlets, Newspapers, or other Publications, contrary to the Provisions of this Act, to go to such House, Room, Field, or Place, and demand to be admitted therein; and in case such Justice or Justices shall be refused Admittance to such House, Room, Field, or Place, or any Part thereof, the same shall be deemed a disorderly House or Place, within the Intent and Meaning of this Act, and of the said recited Act of the thirty-sixth Year aforesaid*; and all and every the Provisions herein before and in the said recited Act contained, respecting any House, Room, Field, or Place, therein or herein before declared to be a disorderly House or Place, shall be applied to such House, Room, Field, or Place, where such Admittance shall have been refused as aforesaid; and every Person refusing such Admittance shall forfeit the Sum of twenty Pounds.

* c. 8.

Two Justices in Session may grant Licences for lecturing or reading, which may be revoked at any General Session.

XVIII. Provided nevertheless, and be it enacted, That it shall be lawful for two or more Justices of the Peace for the County, Stewartry, City, Borough, Town, or Place, where any House, Room, or other Building, shall be intended to be opened for any of the Purposes aforesaid, by Writing under their Hands and Seals, at their General Sessions of the Peace, or at any Special Session to be held for the particular Purpose, to grant a Licence to any Person or Persons desiring the same, to open such House, Room, or other Building, for the Purpose of delivering for Money any such Lectures or Discourses as aforesaid, on any Subjects, the same being clearly expressed in such Licence, or for the Purpose of reading Books, Pamphlets, Newspapers, or other Publications; for which Licence a Fee of one Shilling and no more, shall be paid, and the same shall be in force for the Space of one Year, and no longer, or for any less Space of Time, therein to be specified; and which Licence it shall be lawful for the Justices of the Peace of the same County, Stewartry, City, Borough, Town, or Place, at any General Sessions of the Peace, to revoke and declare void, and no longer in force, by any Order of such Justices; a Copy whereof shall be delivered to, or served upon the Person to whom the said Licence so revoked shall have been granted, or shall be left at the House, Room, or Building, for which such Licence shall have been granted, and thereupon such Licence shall cease and determine, and be thenceforth utterly void and of no Effect.

A Justice may demand Admittance to any licensed Place, and if refused, it shall be deemed disorderly, and the Person so refusing shall forfeit 20l.

XIX. Provided always, and be it enacted, That it shall be lawful for any Justice or Justices of the Peace of any County, Stewartry, City, Borough, Town, or Place, where any such House, Room, or other Building shall be licensed, as herein provided, to go to such House, Room, or Building, so licensed, at the Time of delivering any such Lecture or Discourse therein as aforesaid, or at the Time appointed for delivering any such Lecture or Discourse, or whilst such House, Room, or Building shall be opened or used, or during the Time

appointed for using the same as a Place for reading Books, Pamphlets, Newspapers, or other Publications as aforesaid, and demand to be admitted therein; and in case such Justice or Justices shall be refused Admittance to such House, Room, or Building, the same shall be deemed, notwithstanding any such Licence as aforesaid, a disorderly House or Place, within the Meaning of this Act; and all and every the Provisions herein-before contained, respecting any House, Room, Field, or Place, herein-before declared to be a disorderly House or Place, shall be applied to such House, Room, or Building so licensed as aforesaid, where such Admittance shall have been refused as aforesaid; and every Person refusing such Admittance shall forfeit the Sum of twenty Pounds.

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XX. Provided also, and be it enacted, That it shall be lawful for any two Justices of the Peace acting for any County, Stewartry, Riding, Division, City, Town, or Place, upon Evidence on Oath, that any House, Room, or Place, so licensed and opened as aforesaid, is commonly used for the Purpose of delivering there Lectures or Discourses of a seditious or immoral Tendency, or that Books, Pamphlets, Newspapers, or or other Publications of a seditious or immoral Nature, are there commonly kept and delivered to be read, to adjudge and declare the Licence for opening the same to have been forfeited; and such Licence shall thereupon cease and determine, and shall thenceforth be utterly void and of no Effect.

Any two Justices on Evidence on Oath that any licensed Place is used for Lectures of a seditious or immoral Tendency, &c. may declare the Licence forfeited.

XXI. Provided also, That every House, Room, or Place, licensed for the Sale of Ale, Beer, Wine, or Spirituous Liquors, shall also be deemed a House or Place licensed for the Purpose of reading Books, Pamphlets, and other Publications, within the Intent and Meaning of this Act; but nevertheless it shall be lawful to and for any two or more Justices of the Peace for the County, Stewartry, Riding, Division, City, Borough, Town, or Place, where such House, Room, or Place shall be, upon Evidence on Oath that Books, Pamphlets, or other Publications of a seditious or immoral Nature, are usually distributed for the Purpose of being read at such House, Room, or Place, to adjudge and declare the Licence or Licences for selling Ale, Beer, Wine, or Spirituous Liquors, under the Authority whereof such House, Room, or Place, shall be used for the Purpose of selling Ale, Beer, Wine, or Spirituous Liquors, to have been forfeited, and the Person or Persons so keeping such House, Room, or Place, shall, from and after the Day of the Date of such Adjudication and Declaration, be subject and liable to all and every the Penalties and Forfeitures which such Person or Persons would be subject and liable to, if such Licence or Licences had expired, or otherwise determined, on that Day for any Act done after that Day.

Every Alehouse, &c to be deemed licensed for Reading; but two Justices, on Evidence on Oath that seditious or immoral Publications are read, may declare the Licence forfeited.

XXII. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to any Lecture or Discourses to be delivered in any of the Universities of these Kingdoms by any Member thereof, or any Person au-

Not to extend to Lectures delivered in the Universities, or the Hall of

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any of the Inns of Court, &c. or by the Professors in Gresham College.

Payments to School-masters not deemed Payments for Admission to Lectures.

thorized by the Chancellor, Vice Chancellor, or other proper Officers of such Universities respectively, or to any Lecture or Discourse to be delivered in the Publick Hall of any of the Inns of Court or Chancery, by any Person authorized by the Benchers of the Inns of Court, or by the Professors in *Gresham* College; and that no Payment made to any Schoolmaster, or other Person by Law allowed to teach and instruct Youth, in respect of any Lectures or Discourses delivered by such Schoolmaster or other Person, for the Instruction only of such Youth as shall be committed to his Instruction, shall be deemed a Payment of Money for Admission to such Lectures or Discourses, within the Intent and Meaning of this Act.

Printers shall give a Notice in the Form in the annexed Schedule (No. IV.) to the Clerk of the Peace, who shall grant a Certificate, (in Form of No. V.) and file the Notice, and transmit an attested Copy to the Secretary of State.

'XXIII. And whereas many Societies, established of 'late Years for treasonable and seditious Purposes, and especially the said Societies of *United Englishmen, United Scotsmen, United Irishmen,* and *United Britons,* and the said Society called *The London Corresponding Society,* and other 'Corresponding Societies, have at various Times caused to 'be published, in great Quantities, divers printed Papers of 'an irreligious, treasonable, and seditious Nature, tending to 'revile our holy Religion, and to bring the Profession and 'Worship thereof into Contempt among the Ignorant, and 'also to excite Hatred and Contempt of his Majesty's Royal 'Person, Government, and Laws, and of the happy Constitution of these Realms, as by Law established, and utterly to 'eradicate all Principles of Religion and Morality; and such 'Societies have dispersed such printed Papers among the 'lower Classes of the Community, either *gratis,* or at very 'low Prices, and with an Activity and Profusion beyond all 'former Example: And whereas all Persons printing or publishing any Papers or Writings are by Law answerable for 'the Contents thereof, but such Responsibility hath of late 'been in a great Degree eluded by the secret Printing and 'Publication of such seditious, immoral, and irreligious Papers 'or Writings as aforesaid, and it is therefore highly important 'to the Publick Peace that it should in future be known by 'whom any such Papers shall be printed;' be it enacted, That, from and after the Expiration of forty Days from the Day of passing this Act, every Person having any Printing Press, or Types for Printing, shall cause a Notice thereof, signed in the Presence of, and attested by one Witness, to be delivered to the Clerk of the Peace acting for the County, Stewartry, Riding, Division, City, Borough, Town, or Place, where the same shall be intended to be used, or his Deputy, according to the Form prescribed in the Schedule hereunto annexed; and such Clerk of the Peace, or Deputy respectively, shall, and he is hereby authorized and required to grant a Certificate in the Form prescribed in the Schedule hereunto annexed, for which such Clerk of the Peace, or Deputy, shall receive the Fee of one Shilling, and no more, and such Clerk of the Peace, or his Deputy, shall file such Notice, and transmit an attested Copy thereof to one of his Majesty's Principal Secretaries of

State; and every Person who, not having delivered such Notice, and obtained such Certificate as aforesaid, shall, from and after the Expiration of forty Days next after the passing of this Act, keep or use any Printing Press or Types for Printing, or having delivered such Notice, and obtained such Certificate as aforesaid, shall use any Printing Press or Types for Printing in any other Place than the Place expressed in such Notice, shall forfeit and lose the Sum of twenty Pounds.

No. 55. 39 George III. c. 79. Penalty of 20l. for keeping Presses or Types without Notice, or using them in any Place not expressed therein.

XXIV. Provided also, That nothing herein contained shall extend to his Majesty's Printers for *England* and *Scotland*, or to the Public Presses belonging to the Universities of *Oxford* and *Cambridge* respectively.

Not to extend to his Majesty's Printers, or the Universities in England.

XXV. And be it further enacted, That, from and after the Expiration of forty Days after the passing of this Act, every Person carrying on the Business of a Letter Founder, or Maker or Seller of Types for Printing, or of Printing Presses, shall cause Notice of his or her Intention to carry on such Business to be delivered to the Clerk of the Peace of the County, Stewartry, Riding, Division, City, Borough, Town, or Place, where such Person shall propose to carry on such Business, or his Deputy, in the Form prescribed in the Schedule to this Act annexed; and such Clerk of the Peace, or his Deputy, shall, and he is hereby authorized and required thereupon to grant a Certificate in the Form also prescribed in the said Schedule, for which such Clerk of the Peace, or his Deputy, shall receive a Fee of one Shilling, and no more, and shall file such Notice, and transmit an attested Copy thereof to one of his Majesty's Principal Secretaries of State; and every Person who shall, after the Expiration of the said forty Days, carry on such Business, or make or sell any Type for Printing, or Printing Press, without having given such Notice, and obtained such Certificate, shall forfeit and lose the Sum of twenty Pounds.

Letter Founders and Printing-Press Makers shall give a Notice in the Form in the annexed Schedule, (No. VI.) to the Clerk of the Peace, who shall grant a Certificate, (in Form No. VII.) and file the Notice, and transmit an attested Copy to the Secretary of State.

Penalty of 20l. for carrying on such Businesses without giving Notice.

XXVI. And be it further enacted, That every Person who shall sell Types for Printing, or Printing Presses, as aforesaid, shall keep a fair Account in Writing, of all Persons to whom any such Types or Presses shall be sold, and shall produce such Accounts to any Justice of the Peace who shall require the same; and if such Person shall neglect to keep such Account, or shall refuse to produce the same to any such Justice, on Demand in Writing to inspect the same, such Person shall forfeit and lose, for such Offence, the Sum of twenty Pounds.

An Account shall be kept of Types and Printing Presses sold, and to be produced when required on Penalty of 20l.

XXVII. And be it further enacted, That, from and after the Expiration of forty Days after the passing of this Act, every Person who shall print any Paper or Book whatsoever, which shall be meant or intended to be published or dispersed, whether the same shall be sold or given away, shall print upon the Front of every such Paper, if the same shall be printed on one Side only, and upon the first and last Leaves of every Paper or Book which shall consist of more than one Leaf, in legible Characters, his, or her Name, and the Name of the

The Name and Abode of the Printers shall be printed on every Paper or Book.

No. 55. 39 George III. c. 79.

Printers omitting so to do, and Persons dispersing Papers without such Name and Place of Abode, shall forfeit 20l.

City, Town, Parish, or Place, and also the Name (if any) of the Square, Street, Lane, Court, or Place, in which his or her Dwelling House or usual Place of Abode shall be; and every Person who shall omit so to print his Name and Place of Abode on every such Paper or Book printed by him, and also every Person who shall publish or disperse, or assist in publishing or dispersing, either *gratis* or for Money, any printed Paper or Book, which shall have been printed after the Expiration of forty Days from the passing of this Act, and on which the Name and Place of Abode of the Person printing the same shall not be printed as aforesaid, shall, for every Copy of such Paper so published or dispersed by him, forfeit and pay the Sum of twenty Pounds (1.)

Not to extend to Papers printed by Authority of Parliament.

XXVIII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to any Papers printed by the Authority and for the Use of either House of Parliament.

Printers shall keep a Copy of every Paper they print, and write thereon the Name and Abode of their Employer. Penalty of 20l. for Neglect, or refusing to produce the Copy within six Months.

XXIX. And be it further enacted, That every Person who, from and after the Expiration of forty Days after the passing of this Act, shall print any Paper for Hire, Reward, Gain, or Profit, shall carefully preserve and keep one Copy (at least) of every Paper so printed by him or her, on which he or she shall write, or cause to be written or printed, in fair and legible Characters, the Name and Place of Abode of the Person or Persons by whom he or she shall be employed to print the same; and every Person printing any Paper for Hire, Reward, Gain, or Profit, who shall omit or neglect to write, or cause to be written or printed as aforesaid, the Name and Place of his or her Employer on one of such printed Papers, or to keep or preserve the same for the Space of six Calendar Months next after the Printing thereof, or to produce and shew the same to any Justice of the Peace, who, within the said Space of six Calendar Months, shall require to see the same, shall, for every such Omission, Neglect, or Refusal, forfeit and lose the Sum of twenty Pounds.

Persons selling, &c. any Paper without the Name and Abode of the Printer, may be taken before a Justice to determine whether they have offended against this Act.

XXX. And be it further enacted, That it shall be lawful for any Person, to whom or in whose Presence any printed Paper, not having the Name and Place of Abode of any Person printed thereon, in Manner herein-before directed, or having a fictitious or false Name or Place of Abode printed thereon, shall be sold, or offered for Sale, or shall be delivered *gratis*, or offered so to be, or shall be pasted, fixed, or left in any publick Place, or in any other Manner exposed to publick View, to seize and detain the Persons so selling or offering to sell, or delivering or offering to deliver, or pasting, fixing, or leaving in any publick Place, or in any other Manner exposing to publick View, any such printed Paper as aforesaid, and forthwith to take and convey him or her before some Justice of the Peace for the County, Stewartry, Riding, Division,

(1.) See the Indemnity Acts, 39 and 40 Geo. III. c. 95; 41 Geo. III. c. 80, post. A Provision was contained in stat. 42 Geo. III. c. 23, for indemnifying Persons who had printed Law Papers without complying with the Directions of this Act.

City, Borough, Town, or Place, where such Person shall be seized, or to deliver him or her to some Constable or other Peace Officer, to be taken and conveyed before such Justice as aforesaid, to the Intent that such Justice may hear and determine whether such Person hath been guilty of any Offence against this Act. No. 55. 39 George III. c. 79.

XXXI. Provided always, That nothing herein contained shall extend to the Impression of any Engraving, or to the printing by Letter Press, of the Name, or the Name and Address, or Business or Profession, of any Person, and the Articles in which he deals, or to any Papers for the Sale of Estates or Goods by Auction, or otherwise. Not to extend to Impressions of Engravings, or the printing Names and Addresses, &c.;

XXXII. Provided also, That nothing herein contained shall extend, or be construed to extend, to alter or vary any Rule, Regulation, or Provision contained in any Act of Parliament now in force respecting the printing, publishing, or distributing any printed Newspaper, or other printed Paper. nor to alter any Provisions respecting Newspapers.

XXXIII. And be it further enacted, That if any Justice of the Peace, acting for any County, Stewartry, Riding, Division, City, Borough, Town, or Place, shall, from Information upon Oath, have Reason to suspect that any Printing Press or Types for Printing is or are used or kept for Use without Notice given and Certificate obtained as required by this Act, or in any Place not included in such Notice and Certificate, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to direct, authorize, and empower any Constable, Petty Constable, Borsholder, Headborough, or other Peace Officer, in the Day Time, with such Person or Persons as shall be called to his Assistance, to enter into any such House, Room, and Place, and search for any Printing Press or Types for Printing; and it shall be lawful for every such Peace Officer, with such Assistance as aforesaid, to enter into such House, Room, or Place, in the Day Time accordingly, and to seize, take, and carry away, every Printing Press found therein, together with all the Types and other Articles thereto belonging, and used in Printing, and all printed Papers found in such House, Room, or Place. A Justice may empower a Peace Officer to search for Presses and Types he suspects to be illegally used, and to seize them and the printed Papers found.

XXXIV. Provided always, That no Person shall be prosecuted or sued for any Penalty imposed by this Act, unless such Prosecution shall be commenced, or such Action shall be brought, within three Calendar Months next after such Penalty shall have been incurred. Prosecutions to be commenced within three Months after Penalty is incurred.

XXXV. And be it further enacted, That any pecuniary Penalty imposed by this Act, exceeding the Sum of twenty Pounds, may be sued for and recovered, by any Person who will sue for the same, by Action of Debt, in any of his Majesty's Courts of Record at *Westminster*, if such Penalty shall have been incurred in *England* or *Wales*, or the Town of *Berwick upon Tweed*, and in his Majesty's Court of Exchequer in *Scotland*, if such Penalty shall have been incurred in *Scotland*, in which Action it shall be sufficient to declare or alledge that the Defendant is indebted to the Plaintiff in the Sum of twenty Recovery of Penalties.

No. 55. 39 George III. c. 79. Pounds, (being the Sum demanded by such Action,) being forfeited by an Act, made and passed in the thirty-ninth Year of the Reign of his Majesty King *George* the Third, intituled, *An Act [Here set forth the Title of the Act]*, and the Plaintiff, if he shall recover in any such Action, shall have his full Costs; and any pecuniary Penalty imposed by this Act, and not exceeding the Sum of twenty Pounds, (2) and for the Recovery whereof no Provision is herein-before contained, shall and may be recovered before any Justice or Justices of the Peace for the County, Stewartry, Riding, Division, City, Town, or Place, in which the same shall be incurred, or the Person having incurred the same shall happen to be, in a summary Way; and in case such last mentioned Penalty shall not be forthwith paid, such Justice or Justices shall, by Warrant under his or their Hand and Seal, or Hands and Seals, and directed to any Constable or other Peace Officer, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale; and in case no sufficient Distress can be had or made, such Justice or Justices shall commit the Offender to the Common Gaol or House of Correction for such County, Stewartry, Riding, Division, City, Borough, Town, or Place, there to remain, without Bail or Mainprize, for any Time not exceeding six Calendar Months, nor less than three Calendar Months.

Application of Penalties. XXXVI. And be it further enacted, That all pecuniary Penalties and Forfeitures imposed by this Act shall, when recovered, either by Action in any Court, or in a summary Way before any Justice, be applied and disposed of in Manner hereinafter mentioned; that is to say, one Moiety thereof to the Plaintiff in any such Action, or the Informer before any Justice, and the other Moiety thereof to his Majesty, his Heirs and Successors.

Limitation of Actions. XXXVII. And be it further enacted, That every Action and Suit which shall be brought or commenced against any Justice or Justices of the Peace, Constable, Peace Officer, or other Person or Persons, for any Thing done or acted in pursuance of this Act, shall be commenced within three Calendar Months next after the Fact committed, and not afterwards; and the Venue in every such Action or Suit shall be laid in the proper County where the Fact was committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and if such Action or Suit shall be brought or commenced after the Time limited for bringing the same, or the Venue shall be laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant or Defendants; and in such Case, or if the Jury shall find a

General Issue.

(2.) An Action for a Penalty not exceeding £20, or for two or more such Penalties, although exceeding £20 in the whole, cannot be brought by a common Informer in the Courts at Westminster, notwithstanding the Provision infra, that it shall be sufficient to declare that the Defendant is indebted in £20; *Fleming v. Bailey*, 5 E. 513.

Verdict for the Defendant or Defendants upon the Merits, or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action after Appearance, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have double Costs; which he or they shall and may recover in such and the same Manner as any Defendant can by Law in other Cases. No. 55. 39 George III. c. 79. Double Costs.

XXXVIII. And be it further enacted, That Convictions by any Justice or Justices of the Peace, for Offences against this Act, and Adjudications of Forfeitures of Licences to be made in pursuance of this Act, and Notices and Certificates delivered and granted in pursuance of this Act, shall or may be in the several Forms set forth for such Purposes respectively in the Schedule to this Act annexed. Convictions, &c. to be in the Forms in the annexed Schedule. (No. I. II. III.)

XXXIX. And be it further enacted, That this Act shall and may be repealed in the Whole, or in any Part thereof, or in any Manner altered or amended, during the present Session of Parliament. Act may be repealed or altered this Session.

The SCHEDULE to which the annexed Act refers.

I. *FORM of Conviction of an unlawful Combination and Confederacy.*

M } to wit. } BE it remembered, That on this Day of in the Year of the Reign of *A. B.* of is duly convicted before me, [*or* us], of his Majesty's Justices of the Peace for in pursuance of an Act of the thirty-ninth Year of the Reign of King *George* the Third, [*set forth the Title of the Act*], for that the said *A. B.* after the passing of the said Act, to wit, on the Day of at did, contrary to the said Act, become a Member of [*or, as the Case may be,* act as a Member of, *or* maintain Correspondence or Intercourse with, *or* by Contribution of Money or otherwise, abet or support] a Society [*describing the Society,*] which Society is an unlawful Combination and Confederacy within the Intent and Meaning of the said Act: Wherefore I [*or* we] the said do adjudge, that he the said *A. B.* do pay [*or,* be imprisoned] as a Penalty for his Offence, in pursuance of the said Act.

Given under my Hand and Seal [*or* our Hands and Seals,] this Day of in the Year of our Lord and in the Year of the Reign of his Majesty King

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II. *FORM of Adjudication of Forfeiture of Licence to sell Ale, &c.*

M } to wit. } BE it remembered, That on this Day of in the Year of the Reign of his present Majesty, *A. B.* of being a Person licensed to sell [*as the Case may be*], is duly convicted before us, two of his Majesty's Justices of the Peace for the County of in

No. 58. 39 George III, c. 79. pursuance of an Act of the thirty-ninth Year of the Reign of [*set forth the Title of the Act*] for that he the said *A. B.* on at did permit a Meeting of a Society [*describing the Society*], which is an unlawful Combination and Confederacy within the Intent and Meaning of the said Act, to be held at being the House [*as the Case may be*], of the said *A. B.* wherein he the said *A. B.* is licensed to sell [*as the Case may be*]: Wherefore, we the said do adjudge and declare that the Licence [*or*, Licences, *as the Case may be*] is [*or*, are] for such Offence forfeited.

Given under our Hands and Seals, this Day of in the Year of our Lord and in the Year of the Reign of his Majesty King

III. *FORM of Conviction of having or using a Printing Press, or Types for Printing, without Notice, or using the same in a Place not specified in such Notice, or not keeping Accounts as required by the Act, or any other Offence against the Act.*

M } to wit. } BE it remembered, That on this Day of in the Year of the Reign of *A. B.* of is duly convicted before me [*or*, us] of his Majesty's Justices of the Peace for in pursuance of an Act of the thirty-ninth Year of the Reign of King *George* the Third, [*set forth the Title of the Act*], for that the said *A. B.* on the Day of at did, contrary to the said Act, keep [*or*, use, *as the Case may be*], a Printing Press [*or*, Types for Printing; *or*, carrying on the Business of a Letter Founder, *or*, Maker or Seller of Types, *or* Printing Presses,] not having given such Notice, and obtained such Certificate, as by the said Act is required, [*or*, in being a Place not specified in any Notice given by the said *A. B.* in pursuance of the said Act, whereupon he had obtained such Certificate, as by the said Act is required; *or*, not keeping an Account of a Person to whom the said *A. B.* sold Printing Types, *or*, a Printing Press, *as the Case may be; or*, not printing his Name, &c. *as the Case may require; or*, not keeping a Copy of a Paper printed by him for Hire, Reward, Gain, or Profit, to wit, a Paper [*describing it*] which the said *A. B.* printed, &c. *or*, not producing a Copy of a Paper printed, &c. *or*, *specifying any other Offence against the Act, and the Time and Place when and where the same was committed*]: Wherefore I [*or*, we] the said do adjudge that he the said *A. B.* do pay the Sum of as a Penalty for his Offence, in pursuance of the said Act.

Given under our Hands and Seals, this Day of in the Year of our Lord and in the Year of the Reign of his Majesty King

IV. *FORM of Notice to the Clerk of the Peace, that any Person keeps any Printing Press or Types for Printing.* No. 55. 39 George III. c. 79.

To the Clerk of the Peace for [*here insert the County, Stewartry, Riding, Division, City, Borough, Town, or Place,*] or his Deputy.

I *A. B.* of do hereby declare, That I have a Printing Press and Types for Printing, which I propose to use for Printing, within [*as the Case may require*], and which I require to be entered for that Purpose, in pursuance of an Act passed in the thirty-ninth Year of the Reign of his Majesty King *George* the Third, [*set forth the Title of the Act.*]

Witness my Hand, this Day of

Signed in the Presence of

V. *FORM of Certificate that Notice has been given of a Printing Press, or Types for Printing.*

I Clerk [or Deputy Clerk] of the Peace for do hereby certify, That *A. B* of hath delivered to me a Notice in Writing, appearing to be signed by him, and attested by *C. D* as a Witness to his signing the same, that he the said *A. B.* hath a Printing Press and Types for Printing, which he proposes to use for Printing, within and which he has required to be entered, pursuant to an Act, passed in the thirty-ninth Year of his Majesty's Reign, [*set forth the Title of the Act.*]

Witness my Hand, this Day of

VI. *FORM of Notice to the Clerk of the Peace, that any Person carries on the Business of a Letter Founder, or Maker or Seller of Types for Printing, or of Printing Presses.*

To the Clerk of the Peace for [*as the Case may be*] or his Deputy.

I *A. B.* of do hereby declare, That I intend to carry on the Business of a Letter Founder or Maker or Seller of Types for Printing, *or* of Printing Presses, [*as the Case may be*] at and I hereby require this Notice to be entered in pursuance of an Act, passed in the thirty-ninth Year of the Reign of his Majesty King *George* the Third, [*set forth the Title of the Act.*]

Signed in the Presence of

VII. *FORM of Certificate that the above Notice has been given.*

I *G. H.* Clerk [*or* Deputy Clerk] of the Peace for [*as the Case may be*], do hereby certify, That *A. B.* of hath delivered to me a Notice in Writing, appearing to be

No. 55. 39 George III. c. 79. signed by him, and attested by *E. F.* as a Witness to his signing the same, that he intends to carry on the Business of a Letter Founder, or Maker or Seller of Types for Printing, or of Printing Presses, at and which Notice he has required to be entered in pursuance of an Act of the thirty-ninth Year of his Majesty King *George* the Third, [*set forth the Title of the Act*].

Witness my Hand, this Day of

No. 56.

39 George III. c. 93.—An Act to repeal so much of an Act, passed in the seventh Year of the Reign of Queen *Anne*, and also so much of an Act passed in the seventeenth Year of the Reign of His late Majesty King *George* the Second, as puts an End to the Forfeiture of Inheritances upon Attainder of Treason, after the Death of the Pretender and his Sons.—[12*th. July* 1799.]

No. 56. 39 George III. c. 93. 7 Annæ, c. 21. § 10. 'WHEREAS an Act was passed in the seventh Year of the Reign of her late Majesty Queen *Anne*, intituled, "An Act for improving the Union of the two Kingdoms," 'whereby, amongst other Things, it was provided and enacted, 'that after the Decease of the Person who pretended to be 'Prince of *Wales* during the Life of the late King *James*, and 'since pretends to be King of *Great Britain*, and at the End of 'the Term of three Years after the immediate Succession to the 'Crown, upon the Demise of her said late Majesty, should 'take Effect, no Attainder for Treason should extend to the 'disheriting of any Heirs, nor to the Prejudice of the Right or 'Title of any Person or Persons, other than the Right or Title of 'the Offender or Offenders, during his, her, or their natural Lives 'only; and that it should and might be lawful to every Person 'or Persons to whom the Right or Interest of any Lands, 'Tenements or Hereditaments, after the Death of any such 'Offender, should or might have appertained, if no such Attainder had been, to enter the same: And whereas by another 'Act, passed in the seventeenth Year of the Reign of his late 'Majesty King *George* the Second, intituled, "An Act to 'make it High Treason to hold Correspondence with the Sons 'of the Pretender to his Majesty's Crown; and for attainting 'them of High Treason, in case they shall land or attempt to 'land in *Great Britain*, or any of the Dominions thereunto belonging; and for suspending the Operation and Effect of a 'Clause in the Act of the seventh Year of the late Queen *Anne*, 'for improving the Union of the two Kingdoms, relating to 'Forfeitures for High Treason, until after the Decease of the 'Sons of the said Pretender; after reciting so much of the

17 Geo. 2. c. 39. recited.

'aforesaid Act as is herein before recited, it was further enact-'ed, That the said Provision so made by the aforesaid Act shou'd 'not take place, nor have any Operation, Force, or Effect what-'soever, until after the Deceases not only of the said Pretender, 'but also of his eldest and all and every other Son and Sons: 'And whereas it is expedient that the said Provisions in the two 'several Acts contained and herein-before recited should be 'repealed:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions in the said two several Acts contained and herein-before recited, shall be, and the same are hereby repealed.

No. 56.
39 George III. c. 93.

Provisions of the two Acts herein recited, repealed.

No. 57.

39 and 40 George III. c. 93.—An Act for regulating Trials for High Treason and Misprision of High Treason in certain Cases.—[28*th. July* 1800.]

No. 57.
39 and 40 George III. c. 93.

'WHEREAS it is expedient that in Cases of High Trea-'son in compassing or imagining the Death of the 'King, and of Misprision of such Treason, where the Overt 'Act or Overt Acts of such Treason alleged in the Indictment 'for such Offence shall be the Assassination or killing of the 'King, or any direct Attempt against his Life, or any direct 'Attempt against his Person, whereby his Life may be en-'dangered, or his Person may suffer bodily Harm, the Trial 'for such Offence should not be different from Trials for Mur-'der or wilful and malicious Shooting;' be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases of High Treason in compassing or imagining the Death of the King, and of Misprision of such Treason, where the Overt Act or Overt Acts of such Treason which shall be alleged in the Indictment for such Offence shall be Assassination or killing of the King, or any direct Attempt against his Life, or any direct Attempt against his Person, whereby his Life may be endangered, or his Person may suffer bodily Harm, the Person or Persons charged with such Offence shall and may be indicted, arraigned, tried, and attainted, in the same Manner and according to the same Course and Order of Trial, in every Respect, and upon the like Evidence, as if such Person or Persons stood charged with Murder; and none of the Provisions contained in the several Acts of the seventh Year of King *William* the Third and the seventh Year of Queen *Anne* respectively, touching Trials in Cases of Treason and Misprision of Treason respectively, shall extend to any Indict-

In Cases of High Treason, and Misprision of Treason, where the Overt Act alleged in the Indictment shall be Assassination of the King, or any direct Attempt against his Life, &c. the Offender shall be tried in the same Manner as if charged with Murder, but punishable as i Cases of High Treason (notwithstanding 7 Gul. 3. c. 3 or 7 Anne, c. 21.)

No. 57. 39 and 40 George III. c. 93. ment for High Treason in compassing and imagining the Death of the King, or for Misprision of such Treason, where the Overt Act or Overt Acts of such Treason alleged in the Indictment shall be such as aforesaid; but upon Conviction on such Indictment, Judgement shall be nevertheless given and Execution done as in other Cases of High Treason; any Law, Statute, or Usage, to the contrary notwithstanding.

No. 58.

39 and 40 George III. c. 95.—An Act to indemnify all Persons who have printed, published, or dispersed, or who shall publish or disperse, any Papers printed under the Authority of the Commissioners or Head Officers of any Public Boards from all Penalties incurred by Reason of the Name and Place of Abode of the Printer of such Papers not being printed thereon.—[28*th. July* 1800.]

No. 59.

41 George III. (U. K.) c. 80.—An Act to indemnify all Persons who have printed, published, or dispersed, or who shall publish or disperse any Papers printed under the Authority of any Head Officer of State, or of Publick Boards, or other Publick Authorities, from all Penalties incurred by Reason of the Name and Place of Abode of the Printer of such Papers not being printed thereon.—[27th. *June* 1801.]

No. 60.

51 George III. c. 65.—An Act to explain and amend an Act passed in the thirty-ninth Year of his Majesty's Reign, intituled, "An Act for the more effectual Suppression of Societies established for seditious and treasonable Purposes, and for better preventing treasonable and seditious Practices," so far as respects certain Penalties on Printers and Publishers.—[10*th. June* 1811.]

No. 60. 51 George III. c. 65. 39 G. 3. c. 79. § 27, 35. 'WHEREAS an Act was passed in the thirty-ninth Year of 'his present Majesty's Reign, intituled, "An Act for 'the more effectual Suppression of Societies established for 'seditious and treasonable Purposes, and for better prevent-'ing treasonable and seditious Practices:" And whereas, in 'and by the twenty-seventh and thirty-fifth Sections of the

'said Act, certain Provisions were made, that every Person 'who should print any Paper or Book, or publish or disperse, 'or assist in publishing or dispersing, any printed Paper or 'Book, without the Name and Place of Abode of the Printer 'being printed on such Paper or Book, in such manner as 'by the said Act is specified, should forfeit and pay the Sum 'of twenty Pounds for every Copy of such Paper so published 'or dispersed by him; to be recovered before any Justice or 'Justices of the Peace, for the County, Stewartry, Riding, 'City, Town or Place, in which such Penalty should be in- 'curred: And whereas there is not in the said Act any Pro- 'vision authorizing such Justice or Justices to mitigate the 'Penalties thereby incurred, or enabling the Party to appeal 'from any Conviction by or Judgment of such Justice or Jus- 'tices: And whereas divers Books and Papers have since 'been printed by several Persons, who, through Inadvertency 'or Mistake, have neglected to comply with the Provisions of 'the said Act, and such Persons have thereby become liable 'to be sued and prosecuted for Penalties to a vast Amount, 'although such Books and Papers were not of an evil or sedi- 'tious Tendency: And whereas it is expedient to limit the 'Amount of Penalties imposed by the said Act; and to en- 'able Magistrates to mitigate the Penalties in such Cases as 'shall appear to them expedient; and also to give the Party, 'who may be aggrieved by a Conviction under such Act, a 'Power of appealing from the same;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That nothing in the twenty-seventh Section of the said Act contained shall extend to make any Person or Persons offending against the same, liable to more than twenty-five Forfeitures or Penalties for printing or publishing, or dispersing, or assisting in publishing or dispersing, any Number of Copies of one and the same Paper or Book, contrary to the said Section of the said Act.

No. 60. 51 George III. c. 65.

Printing Papers or Books contrary to recited Act.

Penalties.

II. And be it further enacted, That if any Justice or other Magistrate before whom any Person shall be convicted of any Offence or Offences against the Provisions of the before-mentioned Act, shall see cause to mitigate such Penalty or Penalties, it shall be lawful for such Justice or other Magistrate to mitigate or lessen the same to any Sum not less than Five Pounds over and above all reasonable Costs and Charges expended or incurred in the Prosecution.

Justices may mitigate Penalties.

'III. And whereas Doubts have arisen whether the Pro- 'visions contained in the said Act may not be considered as 'extending to Notes and Post Bills of the Governor and Com- 'pany of the Bank of *England*, and to Bills of Exchange, 'Promissory Notes, Bonds and other Securities for Payment 'of Money, Bills of Lading, Policies of Insurance, Letters of 'Attorney, Transfers or Assignments of Public Stocks, Funds 'and other Securities, and to Dividend Warrants, Receipts

No. 60.
51 George III. c. 65.

'for Money or Goods, Deeds or other Instruments, Proceedings in the Courts of Law and Equity, and other Inferior Courts, Warrants, Orders and other Papers, printed by the Authority of any Public Board or Public Officer in the Execution of the Duties of their respective Offices, many of which Securities, Instruments, Proceedings and other Matters aforesaid, are usually wholly or in part printed;' Be it therefore hereby declared and enacted, That nothing in the said recited Act or in this Act contained shall extend or be construed to extend to require the Name and Residence of the Printer to be printed upon any such Bank Note, Bank Post Bill, Bill of Exchange or Promissory Note, or upon any Bond or other Security for Payment of Money, or upon any Bill of Lading, Policy of Insurance, Letter of Attorney, Deed or Agreement, or upon any Transfer or Assignment of any Public Stocks, Funds or other Securities, or upon any Transfer or Assignment of the Stocks of any Public Corporation or Company, authorized or sanctioned by Act of Parliament, or upon any Dividend Warrant of or for any such Public or other Stocks, Funds or Securities, or upon any Receipt for Money or Goods, or upon any Proceeding in any Court of Law or Equity, or in any Inferior Court, Warrant, Order or other Papers printed by the Authority of any Public Board or Public Officer in the Execution of the Duties of their respective Offices, notwithstanding the whole or any Part of the said several Securities, Instruments, Proceedings, Matters and Things aforesaid, shall have been or shall be printed; any Thing herein or in the said recited Act contained to the contrary thereof in any wise notwithstanding.

Name and Residence of Printers not required to be put to Bank Notes, Bills, &c. or to any Paper printed by Authority of any Public Board or Public Office.

Appeal.

IV. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved, by any Conviction, Judgment or Determination, of any Justice or Justices, relating to any Matter or Thing in the beforementioned Act contained, then and in that Case he, she or they may appeal to the Justices of the Peace at the General Quarter-Sessions to be holden in and for the County, City or Place where such Conviction, Judgment or Determination shall have been made, next after the Expiration of twenty Days from the making thereof, first giving six Days' Notice of such Appeal to the Person or Persons prosecuting for such Penalty or Penalties; and the said Justices shall hear and determine the said Appeal at such General Quarter-Sessions, or, if they think proper, adjourn the Hearing thereof until the next General Quarter-Sessions to be holden for such County, Town or Place; and the said Justices may, in like manner, if they see Cause, mitigate any Penalty or Penalties, and may order any Money to be returned which shall have been paid or levied under any Conviction as aforesaid, and may also order and award such Costs to be paid by either Party to the other, as they shall think and judge reasonable.

Commencement.

V. And be it further enacted, That this Act shall take Effect from the first Day of *March* one thousand eight hundred and eleven.

No. 61.

52 George III. c. 104.—An Act to render more effectual an Act, passed in the thirty-seventh Year of his present Majesty, for preventing the administering or taking Unlawful Oaths.—[9*th. July* 1812.]

No. 61. 52 George III. c. 104. 37 G. 3. c. 123.

'WHEREAS an Act passed in the thirty-seventh Year of 'the Reign of his present Majesty, intituled "An 'Act for more effectually preventing the administering or tak'ing of unlawful Oaths:" And whereas it is expedient that 'more effectual Provisions should be made as to certain Oaths;' Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who shall in any Manner or Form whatsoever, administer or cause to be administered, or be aiding or assisting at the administering of any Oath or Engagement, purporting or intending to bind the Person taking the same to commit any Treason or Murder, or any Felony, punishable by Law with Death, shall, on Conviction thereof by due Course of Law, be adjudged guilty of Felony, and suffer Death as a Felon without Benefit of Clergy; and every Person who shall take any such Oath or Engagement, not being compelled thereto, shall, on Conviction thereof by due Course of Law, be adjudged guilty of Felony, and shall be transported as a Felon for the Term of his natural Life, or for such Term of Years as the Court before which the said Offender or Offenders shall be tried shall adjudge.

Administering and taking of Unlawful Oaths.

II. Provided always, and be it further enacted, That Compulsion shall not justify or excuse any Person taking such Oath or Engagement, unless he or she shall, within fourteen Days after the taking thereof, if not prevented by actual Force or Sickness, and then within fourteen Days after the Hindrance produced by such Force or Sickness shall cease, declare the same, together with the Whole of what he or she shall know touching the same, and the Person or Persons by whom, and in whose Presence, and when and where such Oath or Engagement was administered or taken, by Information on Oath before one of his Majesty's Justices of the Peace, or one of his Majesty's Principal Secretaries of State, or his Majesty's Privy Council; or in case the Person taking such Oath or Engagement shall be in actual Service in his Majesty's Forces by Sea or Land, then by such Information on Oath as aforesaid, or by Information to his Commanding Officer.

Persons compelled to take Oaths, not justified, unless they declare same within 14 Days.

III. Provided also, and be it further enacted, That every Person who before he shall be charged with any Offence under the said recited Act or this Act, in taking any Oath or Engagement described in the said recited Act or this Act, shall, within three Months after the passing of this Act, appear before some Justice of the Peace or Magistrate, and declare

Persons confessing, before being charged, indemnified.

No. 61. 52 George III. c. 104.

the same, and the Oath or Engagement so taken, and when and where the same was taken, and in what Manner, and who shall at the same Time take before such Justice of the Peace or Magistrate, the Oath of Allegiance to his Majesty, shall be and is hereby indemnified against any Prosecution for any Offence under the said recited Act or this Act; and no Confession so made by any such Person shall be given in Evidence against the Person making the same in any Court or in any case whatever.

Persons aiding, &c. deemed Principals.

IV. And be it further enacted, That Persons aiding and assisting at the administering of any such Oath or Engagement as aforesaid, and Persons causing any such Oath or Engagement to be administered, though not present at the administering thereof, shall be deemed Principal Offenders, and shall be tried as such, and on Conviction thereof by due Course of Law, shall be adjudged guilty of Felony, and shall suffer Death as Felons, without Benefit of Clergy, although the Persons or Person who actually administered such Oath or Engagement, if any such there shall be, shall not have been tried or convicted.

In Indictments sufficient to set forth Purport of such Oaths.

V. And be it further enacted, That it shall not be necessary in any Indictment against any Person or Persons administering or causing to be administered or taken, or taking any such Oath or Engagement as aforesaid, or aiding or assisting at, or present at and consenting to the administering or taking thereof, to set forth the Words of such Oath or Engagement, and that it shall be sufficient to set forth the Purport of such Oath or Engagement, or some material Part thereof.

Engagement in Nature of Oath deemed one, &c.

VI. Provided always, and be it further enacted, That any Engagement or Obligation whatsoever, in the Nature of an Oath, purporting or intending to bind the Person taking the same to commit any Treason or Murder, or any Felony punishable by Law with Death, shall be deemed an Oath within the Intent and Meaning of this Act, in whatever Form or Manner the same shall be administered or taken, and whether the same shall be actually administered by any Person or Persons to any other Person or Persons, or taken by any other Person or Persons without any Administration thereof by any other Person or Persons.

Where Offences prosecuted.

VII. Provided also, and be it further enacted, That any Offence committed against this Act, on the High Seas or out of this Realm, or within that Part of *Great Britain* called *England*, shall and may be prosecuted, tried and determined before any Court of *Oyer* and *Terminer* or Gaol Delivery, for any County, in that Part of *Great Britain* called *England*, in such Manner and Form as if such Offence had been therein committed; and if committed in that Part of *Great Britain* called *Scotland*, shall and may be prosecuted, tried and determined, either before the Justiciary Court at *Edinburgh*, or in any of the Circuit Courts in that Part of the United Kingdom.

Persons tried under Act not

VIII. Provided also, and it is hereby declared, That any Person who shall be tried and acquitted or convicted of any

Offence against this Act, shall not be liable to be indicted, prosecuted or tried again for the same Offence or Fact, as High Treason or Misprision of High Treason; and that nothing in this Act contained shall be construed to extend to prohibit any Person guilty of any Offence against this Act, and who shall not be tried for the same as an Offence against this Act, from being tried for the same as High Treason or Misprision of High Treason, in such Manner as if this Act had not been made.

No. 61. 52 George III. c. 104.

Not to be tried again for same Offence, but tried as for High Treason, &c.

No. 62.

53 George III. c. 99.—An Act for the more speedy and effectual Trial and Punishment of Offences committed by Soldiers, detached in Places beyond the Seas, out of his Majesty's Dominions.—[7th. *July* 1813.]

No. 62. 53 George III. c. 99.

WHEREAS by an Act passed in the present Session of Parliament, intituled, "An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters," it is enacted, that General Courts Martial to be held in Places beyond the Seas out of his Majesty's Dominions, may consist of any Number not less than Seven: And whereas it is expedient to amend the said Act, and to provide that such General Courts Martial may consist of a less Number than Seven, in the cases herein-after specified;' Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any General or other Officer commanding any Station, or commanding any Division, Brigade, Detachment or distinct Party, belonging to any Army of his Majesty, which may at any time be serving in any Place beyond the Seas out of his Majesty's Dominions, upon Complaint made to him of any Crime or Crimes, Offence or Offences, done or committed against the Property or Person of any Inhabitant of or Resident in any such Countries, by any Non Commissioned Officer, Soldier or other Person serving with or belonging to his Majesty's Armies in the Field, being under the immediate Command of any such General or other Officer, to summon and cause to assemble a Court Martial, which shall consist of not less than three Officers at the least, for the Purpose of trying any such Person or Persons accused or suspected of having committed any such Crime or Crimes, Offence or Offences as aforesaid, notwithstanding such General or other Officer shall not have received from his Majesty, or from any Person having his Majesty's Authority in that Behalf, any Warrant or Warrants empowering such General or other Officer to summon or assemble Courts Martial.

53 G. 3. c. 17. § 20.

Commanding Officers may assemble Courts Martial for trying Offenders.

No. 62.
53 George III. c. 99.
Courts Martial so assembled, may try and punish Offenders.

II. And be it further enacted, That every Court Martial so assembled under the Authority of this Act shall have Power to try any such Person or Persons so accused or suspected as aforesaid, and to adjudge any such Person or Persons to suffer any such Punishment, as by any Act for the Punishment of Mutiny and Desertion which may be in force at the time such Crime or Crimes, Offence or Offences, shall have been committed, or by any Article or Articles of War issued by his Majesty under the Authority of any such Act, shall be prescribed for any Crime or Crimes, Offence or Offences, with which any such Person or Persons shall be charged before such Court Martial: Provided always, that no Sentence of such Court Martial assembled under the Authority of this Act, shall be executed, until the General commanding in Chief any Army, of which the Division, Brigade, Detachment or Party, to which any Person so tried, convicted and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same.

Sentences to be confirmed.

Courts Martial to summon and examine Witnesses.

Perjury.

Sentences under Authority of Act after Confirmation, valid.

III. Provided always, and be it further enacted, That every Court Martial assembled under the Authority of this Act shall have such and the same Powers for summoning and examining Witnesses, and Witnesses guilty of Perjury on Examination before them shall be subject and liable to the same Penalties and Punishments, as by any Law or Usage belong to any Court Martial authorized by Law; and the Sentence of such Court Martial acting under the Authority of this Act shall, after such Approval and Confirmation as aforesaid, be equally valid and effectual to all Intents and Purposes as if the same had been pronounced by any Court Martial summoned, assembled and acting under any Act or Acts of Parliament heretofore made or now in force respecting Courts Martial.

No. 63.

54 George III. c. 146.—An Act to alter the Punishment in certain Cases of High Treason.—[27*th. July* 1814.]

No. 63.
54 George III. c. 146.

'WHEREAS in certain Cases of High Treason, as the 'Law now stands, the Sentence or Judgment required 'by Law to be pronounced or awarded against Persons convicted or adjudged guilty of the said Crime, in such cases is, 'that they should be drawn on an Hurdle to the Place of Execution and there be hanged by the Neck but not until they are 'dead, but that they should be taken down again, and that 'when they are yet alive their Bowels should be taken out and 'burnt before their Faces, and that afterwards their Heads 'should be severed from their Bodies, and their Bodies be 'divided into four Quarters, and their Heads and Quarters to 'be at the King's Disposal: And whereas it is expedient in the said Cases of High Treason to alter the Sentence 'or Judgment now required by Law;' Be it therefore enacted

No. 63.
54 George III. c. 146.

by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases of High Treason, in which, as the Law now stands, the Sentence or Judgment ordained by Law is as aforesaid, the Sentence or Judgment to be pronounced or awarded, from and after the passing of this Act, against any Person convicted or adjudged guilty shall be, that such Person shall be drawn on a Hurdle to the Place of Execution, and be there hanged by the Neck until such Person be dead; and that afterwards the Head shall be severed from the Body of such Person, and the Body divided into four Quarters, shall be disposed of as his Majesty and his Successors shall think fit.

Form of Sentence in case of High Treason.

II. And be it further declared and enacted, That in case his Majesty or his Successors shall so think fit, his Majesty or his Successors, after such Sentence or Judgment shall be pronounced or awarded, may by Warrant under his or their Sign Manual, countersigned by one of his Majesty's Principal Secretaries of State, declare it to be his or their Will and Pleasure, and may direct and order that such Person as aforesaid shall not be drawn, but shall be taken in such Manner as in the said Warrant shall be expressed, to the Place of Execution, and that such Person shall not be there hanged by the Neck, but that instead thereof the Head shall be there severed from the Body of such Person whilst alive, and in such Warrant may direct and order how and in what Manner the Body, Head and Quarters of such Person shall be disposed of; and it shall be lawful for the Sheriff or other Person or Persons to whom such Warrant shall be addressed, and whom it shall concern, to carry the same into Execution accordingly.

His Majesty may alter Sentence.

No. 64.

57 George III. c. 6.—An Act to make perpetual certain Parts of an Act of the thirty-sixth Year of his present Majesty, for the Safety and Preservation of his Majesty's Person and Government against Treasonable and Seditious Practices and Attempts; and for the Safety and Preservation of the Person of His Royal Highness the Prince Regent against Treasonable Practices and Attempts.—[17th. March 1817.]

No. 64.
57 George III. c. 6.

'WHEREAS by an Act passed in the thirty-sixth Year 'of his present Majesty's Reign, intituled, "An Act 'for the Safety and Preservation of his Majesty's Person and 'Government against Treasonable and Seditious Practices and 'Attempts," it was amongst other Things enacted, that if any 'Person or Persons whatsoever, after the Day of the passing 'of that Act, during the natural Life of his Majesty, and until

36 G. 3. c. 7.

No. 64.
57 George III. c. 6.

'the End of the next Session of Parliament after the Demise of 'the Crown, should, within the Realm or without, compass, 'imagine, invent, devise, or intend Death or Destruction, or 'any bodily Harm tending to Death or Destruction, Maim or 'Wounding, Imprisonment or Restraint, of the Person of his 'Majesty, his Heirs and Successors, or to deprive or depose 'him or them from the Stile, Honour, or Kingly Name of the 'Imperial Crown of this Realm, or of any other of his Ma-'jesty's Dominions or Countries, or to levy War against his 'Majesty, his Heirs and Successors, within this Realm, in 'order by Force or Constraint to compel him or them to 'change his or their Measures or Counsels, or in order to put 'any Force or Constraint upon or to intimidate or overawe 'both Houses or either House of Parliament, or to move or 'stir any Foreigner or Stranger with Force to invade this 'Realm or any other his Majesty's Dominions or Countries 'under the Obeisance or his Majesty, his Heirs and Succes-'sors, and such Compassings, Imaginations, Inventions, De-'vices or Intentions, or any of them, should express, utter, or 'declare, by publishing any Printing or Writing, or by any 'overt Act or Deed, being legally convicted thereof upon the 'Oaths of two lawful and credible Witnesses upon Trial, or 'otherwise convicted or attainted by due Course of Law, then 'every such Person and Persons so as aforesaid offending 'should be deemed, declared, and adjudged to be a Traitor 'and Traitors, and should suffer Pains of Death, and also 'lose and forfeit as in Cases of High Treason: And whereas 'it is necessary and expedient that such of the Provisions of 'the said Act as would expire at the End of the next Session of 'Parliament after the Demise of the Crown should be further 'continued and made perpetual;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the herein-before recited Provisions which relate to the Heirs and Successors of his Majesty, the Sovereigns of these Realms, shall be and the same are hereby made perpetual.

Provisions of recited Act made perpetual.

For better Preservation of the Person of his Royal Highness the Prince Regent.

II. And whereas, in consequence of the daring Outrages offered to the Person of his Royal Highness the Prince Regent of the United Kingdom of *Great Britain* and *Ireland*, in the Exercise and Administration of the Royal Power and Authority to the Crown of these Realms belonging, in his Passage to and from the Parliament, at the opening of this present Session, it is expedient, for the Security and Preservation of the Person of the same his Royal Highness the Prince Regent, to extend certain of the Provisions of the said Act; be it therefore enacted, That if any Person or Persons whatsoever, after the Day of passing this Act, during the Period in which his Royal Highness the Prince Regent shall remain in the Personal Exercise of the Royal Authority, shall, within the Realm or without, compass, imagine, invent, devise, or in-

tend Death or Destruction, or any bodily Harm tending to Death or Destruction, Maim or Wounding, Imprisonment or Restraint, of the Person of the same his Royal Highness the Prince Regent, and such Compassings, Imaginations, Inventions, Devices, or Intentions, or any of them, shall express, utter, or declare, by publishing any Printing or Writing, or by any overt Act or Deed, being legally convicted thereof upon the Oaths of two lawful and credible Witnesses upon Trial, or otherwise convicted or attainted by due Course of Law, then every such Person and Persons so as aforesaid offending shall be deemed, declared, and adjudged to be a Traitor and Traitors, and shall suffer Pains of Death, and also lose and forfeit as in Cases of High Treason.

No. 64. 57 George III. c. 6.

Extending Provisions of 39 and 40 G. 3. c. 93. to his Royal Highness the Prince Regent.

III. And whereas it is expedient to extend the Provisions of a certain Act passed in the thirty-ninth and fortieth Years of the Reign of his present Majesty, intituled "An Act for regulating Trials for High Treason and Misprision of Treason in certain Cases;" be it therefore enacted, That from and after the passing of this Act, all and every the Clauses, Provisions, and Regulations in the said Act contained shall extend, and be deemed, taken, and construed to extend, to all and every Case of High Treason in compassing or imagining the Death of his Royal Highness the Prince Regent, and Misprision of such Treason, where the overt Act or overt Acts which shall be alleged in the Indictment for such Offence shall be Assassination or Killing of his Royal Highness the Prince Regent, or any direct Attempt against his Life, or any direct Attempt against his Person whereby his Life may be endangered or his Person may suffer bodily Harm.

Persons accused of High Treason entitled to the Benefit of 7 Gul. 3. c. 3. and 7 A. c. 21. except in Cases herein mentioned.

IV. Provided, and be it further enacted, That all and every Person and Persons that shall at any Time be accused, or indicted or prosecuted for any Offence made or declared to be High Treason by this Act, shall be entitled to the Benefit of the Act made in the seventh Year of his late Majesty King *William* the Third, intituled "An Act for regulating of Trials in Cases of Treason and Misprision of Treason; and also to the Provisions made by another Act, passed in the seventh Year of her late Majesty Queen *Anne*, intituled "An Act for improving the Union of the two Kingdoms;" save and except in Cases of High Treason in compassing or imagining the Death of any Heir or Successor of his Majesty, or the Death of his Royal Highness the Prince Regent, and of Misprision of such Treason, where the overt Act or overt Acts of such Treason which shall be alleged in the Indictment for such Offence shall be Assassination or killing of any Heir or Successor of his Majesty, or Assassination or killing of his Royal Highness the Prince Regent, or any direct Attempt against the Life of any Heir or Successor of his Majesty, or any such Attempt against the Life of the Prince Regent, or any direct Attempt against the Person of any Heir or Successor of his Majesty, or against the Person of the Prince Regent, whereby the Life of such Heir or Successor, or the

No. 64. 57 George III. c. 6.

Life of the Prince Regent may be endangered, or the Person of such Heir or Successor, or of the Prince Regent, may suffer bodily Harm.

Not to affect Prosecutions to which Persons would be liable if this Act had not passed.

V. Provided also and be it enacted, That nothing in this Act contained shall extend, or be construed to extend to prevent or affect any Prosecution, by Information or Indictment, to which any Person or Persons would have been or would be liable if this Act had not been enacted, for any Offence within the Provisions of this Act, unless the Party shall have been first prosecuted under this Act.

54 G. 3. c. 146. as to Judgements, extended to this Act.

VI. Provided also, and be it enacted, That the Statute of the fifty-fourth Year of his Majesty's Reign, intituled "An Act to alter the Punishment in certain Cases of High Treason, shall have the same Effect as to Sentences and Judgements to be pronounced and awarded under this Act, as if this Act had been made and passed before the said Act of the fifty-fourth Year of his Majesty's Reign.

No. 65.

57 George III. c. 7.—An Act to revive and make perpetual two Acts of the thirty-seventh Year of his present Majesty, the one in the Parliament of *Great Britain*, and the other in the Parliament of *Ireland*, for the better Prevention and Punishment of Attempts to seduce Persons serving in his Majesty's Forces by Sea or Land from their Duty and Allegiance to his Majesty, or to incite them to Mutiny or Disobedience.—[17*th. March* 1817.]

No. 66.

57 George III. c. 19.—An Act for the more effectually preventing Seditious Meetings and Assemblies.—[31*st. March* 1817.]

No. 66. 57 George III. c. 19.

'WHEREAS Assemblies of divers Persons, collected for 'the Purpose or under the Pretext of deliberating on 'public Grievances, and of agreeing on Petitions, Complaints, 'Remonstrances, Declarations, or other Addresses to his 'Royal Highness the Prince Regent, or to both Houses or 'either House of Parliament, have of late been made use of 'to serve the Ends of factious and seditious Persons, to the 'great Danger and Disturbance of the Public Peace, have 'produced Acts of Riot, Tumult and Disorder, and may become the Means of producing Confusion and Calamities in 'the Nation:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the Authority of the same, That no Meeting of any Description of Persons exceeding the Number of fifty Persons, (other than and except any Meeting of any County, Riding or Division, called by the Lord Lieutenant, Custos Rotulorum, or Sheriff of such County, or a Meeting called by the Convener of any County or Stewartry in that Part of *Great Britain* called *Scotland*, or any Meeting called by two or more Justices of the Peace of the County or Place where such Meeting shall be holden, or any Meeting of any County having different Ridings or Divisions, called by any two Justices of any one or more of such Ridings or Divisions, or any Meeting called by the major Part of the Grand Jury of the County, or of the Division of the County where such Meeting shall be holden, at their General Assizes or General Quarter Sessions of the Peace, or any Meeting of any City or Borough or Town Corporate, called by the Mayor or other Head Officer of such City or Borough or Town Corporate, or any Meeting of any Ward or Division of any City, called by the Alderman or other Head Officer of such Ward or Division, or any Meeting of any Corporate Body), shall be holden for the purpose or on the Pretext of considering of or preparing any Petition, Complaint, Remonstrance or Declaration, or other Address to the King, or to his Royal Highness the Prince Regent, or to both Houses or either House of Parliament, for Alteration of Matters established in Church or State, or for the Purpose or on the Pretext of deliberating upon any Grievance in Church or State, unless Notice of the Intention to hold such Meeting, and of the Time and Place when and where the same shall be proposed to be holden, and of the Purpose for which the same shall be proposed to be holden, shall be given, in the Names of seven Persons at the least, being Householders resident within the County, City, or Place where such Meeting shall be proposed to be holden, whose Places of Abode and Descriptions shall be inserted in such Notice, and which Notice shall be given by public Advertisement in some public Newspaper usually circulated in the County and Division where such Meeting shall be holden, five Days at the least before such Meeting shall be holden, or shall be delivered in Manner hereinafter mentioned; and that such Notice shall not be inserted in any such Newspaper unless the Authority to insert such Notice shall be signed by seven Persons at the least, being Householders resident within the County, City or Place where such Meeting shall be proposed to be holden, and named in such Notice, and unless such Authority so signed shall be written at the Foot of a true Copy of such Notice, and shall be delivered to the Person required to insert the same in any such Newspaper as aforesaid, which Person shall cause such Notice and Authority to be carefully preserved, and shall also at any Time after such Notice shall have been inserted in such Paper, and within fourteen Days after the Day on which such Meeting shall be had, produce such Notice and Autho-

No. 66.
57 George III. c. 19.

No Meeting of more than fifty Persons, (except County Meetings, &c.) to be holden without Notice being given in some Newspaper, by seven Housekeepers.

No. 66. 57 George III. c. 19.

rity, and cause a true Copy thereof (if required) to be delivered to any Justice of the Peace for the County, City, Town or Place where such Person shall reside, or where such Newspaper shall be printed, and who shall require the same; and in case any Person shall insert any such Notice in any Newspaper without such Authority as aforesaid, or in case any Person to whom any such Notice and Authority shall have been delivered for the Purpose of inserting such Notice in any such Newspaper as aforesaid shall refuse to produce such Notice and Authority, or to deliver a true Copy thereof, being thereunto required as aforesaid, within three Days after such Production and Copy or either of them shall have been so required, every such Person, for every such Offence, shall forfeit the Sum of fifty Pounds to any Person who shall sue for the same.

Penalty on Persons inserting such Notice without Authority, etc. 50l.

Notice may be given to Clerk of the Peace, who shall send Copy to Justices.

II. Provided always nevertheless, and be it further enacted, That it shall be lawful to deliver any such Notice as aforesaid, signed by the seven Persons in whose Names such Notice shall be given, with their Places of Abode and Description, five Days at the least before the Day on which such Meeting shall be holden, to the Clerk of the Peace of the County, Riding, or Division, within which such Meeting shall be proposed to be holden; and such Notice so given by such Means as aforesaid shall be as effectual to all Intents and Purposes as if the same had been given by public Advertisement inserted in any such Newspaper as aforesaid; and such Clerk of the Peace shall forthwith and without Delay, send a true Copy of such Notice, with such Signatures and Additions as aforesaid, to three Justices of the Peace at the least, of such County, Riding, or Division, or in case the Justices of the Peace of the City, Borough, or Town where such Meeting shall be proposed to be holden, shall have exclusive Jurisdiction, then to three of such Justices, if so many shall then be resident within such Jurisdiction, and if not, then to so many of such Justices as shall be resident within such exclusive Jurisdiction.

Meetings without Notice to be deemed unlawful Assemblies.

III. And be it further enacted, That all Meetings of any Description of Persons, exceeding the Number of fifty Persons, other than and except as aforesaid, which shall be holden without such previous Notice as aforesaid, for the Purpose or on the Pretext of considering of or preparing any Petition, Complaint, Remonstrance, Declaration, or other Address to the King, or Prince Regent, or both Houses or either House of Parliament, for Alteration of Matters established in Church or State, or for the Purpose or on the Pretext of deliberating on any Grievance in Church or State, shall be deemed and taken to be unlawful Assemblies.

Respecting Adjournments of Meetings, &c.

IV. And be it further enacted, That it shall not be lawful to adjourn any Meeting that shall be holden under and by virtue of such previous Notice, to any Time after the Day specified in such Notice for holding such Meeting, or to any other Place than that at which such Meeting shall be first holden in pursuance of such previous Notice; and that any

Meeting of any Description of Persons, exceeding the Number of fifty Persons (except as aforesaid), which shall be holden by way of or under Pretence of being an Adjourned Meeting, for the Purpose of or on the Pretext of considering of or preparing any Petition, Complaint, Remonstrance, Declaration, or other Address to the King, or Prince Regent, or both Houses or either House of Parliament, for Alteration of Matters established in Church or State, or for the Purpose or on the Pretext of deliberating on any Grievance in Church or State, shall be deemed and taken to be an unlawful Assembly. No. 66. 57 George III. c. 19.

V. And be it further enacted, That if any Persons exceeding the Number of fifty shall be assembled contrary to the Provisions herein-before contained, it shall and may be lawful for any one or more Justice or Justices of the Peace, or the Sheriff of the County in which such Assembly shall be, or his Under Sheriff, or the Mayor, or other Head Officer or Justice of the Peace or Magistrate of any City or Town Corporate where such Assembly shall be, by Proclamation to be made in the King's Name, in the Form herein-after directed, and he and they are hereby required to make or cause to be made Proclamation in the King's Name, to command all Persons there assembled to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business; and if any such Persons shall, to the Number of twelve or more, notwithstanding such Proclamation made, remain or continue together by the Space of one Hour after such Proclamation made, that then such continuing together to the Number of twelve or more shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in Cases of Felony without Benefit of Clergy. Punishment of Persons assembled contrary to this Act, not dispersing after being required so to do by Proclamation.

VI. And be it further enacted, That the Order and Form of the Proclamation to be made as aforesaid, shall be as hereafter followeth; (that is to say,) the Justice of the Peace, or other Person, or one of the Justices of Peace, or one of the other Persons authorized by this Act to make the said Proclamation, shall, among the said Persons assembled, or as near to them as he can safely come, with a loud Voice, command or cause to be commanded Silence to be while Proclamation is making; and after that shall openly and with loud Voice make or cause to be made Proclamation in these Words, or like in Effect: Form of Proclamation.

"OUR Sovereign Lord the King chargeth and commandeth all Persons here assembled immediately to disperse themselves, and peaceably to depart to their Habitations or to their lawful Business, upon Pain of Death.

"GOD SAVE THE KING."

VII. And be it further enacted, That in case any Meeting shall be holden in pursuance of any such Notice as aforesaid, and such Notice, or any Matter which shall be in such Notice proposed to be propounded or deliberated upon at Meetings, where Notices express certain Particulars, to be dispersed by

No. 66.
57 George III. c. 19.
Proclamation.

such Meeting shall express or purport that any Matter or Thing by Law established may be altered, otherwise than by the Authority of the King, Lords, and Commons, in Parliament assembled, or such Notice, or any Matter therein contained, shall tend to incite or stir up the People to Hatred or Contempt of the Person of his Majesty, his Heirs or Successors, or of the Government and Constitution of this Realm as by Law established, it shall be lawful for one or more Justice or Justices of the Peace, or the Sheriff of the County where such Meeting shall be, or his Under Sheriff, or * for the Mayor or other Head Officer, or any Justice of the Peace or Magistrate of any City or Town Corporate where any such Meeting shall be, by Proclamation in the King's Name, in the Manner and Form herein-before set forth, to command the Persons there assembled to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business; and if any Persons, to the Number of twelve or more, being so commanded by Proclamation made, to disperse themselves and peaceably to depart to their Habitations or to their lawful Business, shall, to the Number of twelve or more, notwithstanding such Proclamation made, remain or continue together by the Space of one Hour after such Proclamation made, that then such continuing together, to the Number of twelve or more, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Punishment of Persons not dispersing after Proclamation made.

Punishment of Persons obstructing Justices, &c. in taking Offenders into Custody.

VIII. And be it further enacted, That if any one or more Justice or Justices of the Peace, or the Sheriff or Under Sheriff of the County, present at any Meeting therein requiring such Notice as aforesaid, or the Mayor or other Head Officer, or Justice of the Peace or Magistrate of any City or Town Corporate, present at any Meeting therein requiring such Notice as aforesaid, shall see Cause to order, and shall order any Person or Persons who shall at such Meeting proceed to propound or maintain any Proposition for altering any Thing by Law established, otherwise than by the Authority of the King, Lords, and Commons, in Parliament assembled, or shall wilfully and advisedly make any Proposition, or hold any Discourse for the Purpose of inciting and stirring up the People to Hatred or Contempt of the Person of his Majesty, his Heirs or Successors, or the Government and Constitution of this Realm as by Law established, to be taken into Custody to be dealt with according to Law; then and in case the said Justice or * Justices, Sheriff or Under Sheriff, Mayor, Head Officer or Magistrate present at such Meetings respectively, or any of them respectively, or any Peace Officer acting under their or any of their Orders, shall be obstructed in taking into Custody any Person or Persons so ordered to be taken into Custody, it shall be lawful for any such Justice or Justices, Sheriff, Under Sheriff, Mayor, Head Officer or Magistrate respectively, thereupon to make or cause to be made such Proclamation as aforesaid in Manner and Form aforesaid; and if any Persons to the Number of twelve or more, being commanded by such

Proclamation to disperse themselves and peaceably to depart as aforesaid, shall to the Number of twelve or more, notwithstanding such Proclamation made, remain or continue together by the Space of one Hour after Proclamation made, that then such continuing together to the Number of twelve or more shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony, without Benefit of Clergy. No. 66. 57 George III. c. 19.

IX. And be it further enacted, That every Justice and Justices of the Peace, Sheriff, Under Sheriff, Mayor and other Head Officer and Magistrate aforesaid, is and are hereby respectively authorized and empowered, on Notice or Knowledge of any such Meeting or Assembly as is herein-before mentioned, to resort to the Place where such Meeting or Assembly shall be or shall be intended to be holden, or to any Part thereof, and there to do or order, or cause to be done, all such Acts, Matters and Things as the Case may require, which they are hereby enabled to do or order to be done, or which they are otherwise by Law enabled to do or order to be done; and it shall be lawful for all and every Justices of the Peace, Sheriff, Under Sheriff, Mayor, Head Officer and Magistrate respectively as aforesaid, to take and require the Assistance of any Number of Constables or other Officers of the Peace within their respective Districts, or within the District or Place wherein every such Meeting as herein-before mentioned shall be holden, which Constables and other Officers of the Peace are hereby required to attend accordingly, and to give such Assistance as shall be necessary for the due Execution of this Act.

Allowing Justices to resort to Assemblies, and require Assistance of Civil Power.

X. And be it further enacted, That if such Persons so assembled as aforesaid, or twelve or more of them, after Proclamation made in Manner and Form aforesaid, shall continue together and not disperse themselves within one Hour, that then it shall and may be lawful to and for every Justice of the Peace, Sheriff or Under Sheriff of the County where such Assembly shall be, and also to and for every High or Petty Constable, and other Peace Officer within such County, and also to and for every Mayor, Justice of the Peace, Head Officer, Magistrate, High or Petty Constable, and other Peace Officer, of any City or Town Corporate where such Assembly shall be, and to and for such other Person and Persons as shall be commanded to be assisting unto any such Justice of the Peace, Sheriff or Under Sheriff, Mayor, Head Officer and Magistrate respectively as aforesaid, who are hereby authorized and empowered to command all his Majesty's Subjects, of Age and Ability to be assisting to them therein, to seize and apprehend, and they are hereby required to seize and apprehend such Persons so assembled and continuing together after Proclamation made as aforesaid, and forthwith to carry the Person or Persons so apprehended before one or more of his Majesty's Justices of the Peace of the County or Place where such Person or Persons shall be so apprehended, in order to his, her or

Persons not dispersing within a limited Time to be apprehended and proceeded against.

No. 66. 57 George III. c. 19.

Justices, &c. indemnified in case of killing or maiming.

their being proceeded against for such Offences according to Law; and that if the Persons so assembled, or any of them, shall happen to be killed, maimed or hurt, in the dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, by reason of their resisting the Persons so dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, that every such Justice of the Peace, Sheriff, Under Sheriff, Mayor, Head Officer, Magistrate, High or Petty Constable, or other Peace Officer, and all and singular Persons being aiding and assisting to them or any of them, shall be free, discharged and indemnified, as well against the King's Majesty, his Heirs and Successors, as against all and every other Person and Persons, of, for or concerning the killing, maiming or hurting of any such Person or Persons so continuing together as aforesaid, that shall happen to be so killed, maimed, or hurt, as aforesaid.

Punishment of Persons obstructing Justices, &c.

XI. Provided always, and be it further enacted, That if any Person or Persons do or shall, with Force and Arms, wilfully and knowingly oppose, obstruct, or in any Manner wilfully and knowingly let, hinder, or hurt any Justice of the Peace, or other Person authorized as aforesaid, who shall attend any such Meeting as aforesaid, or who shall be going to attend any such Meeting, or any Person or Persons who shall begin to proclaim, or go to proclaim, according to any Proclamation hereby directed to be made, whereby such Proclamation shall not be made, that then every such opposing, obstructing, letting, hindering or hurting any such Justice or other Persons so authorized as aforesaid, and so attending or going to attend any such Meeting, or any such Person or Persons so beginning or going to make any such Proclamation as aforesaid, shall be adjudged Felony without Benefit of Clergy; and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony, without Benefit of Clergy; and that also every such Person or Persons so being assembled as aforesaid, to the Number of fifty or more as aforesaid, to whom any such Proclamation as aforesaid should or ought to have been made if the same had not been hindered as aforesaid, shall likewise, in case they or any of them, to the Number of twelve or more, shall continue together and not disperse themselves within one Hour after such Let or Hindrance so made, having Knowledge of such Let or Hindrance so made, shall be adjudged Felons, and shall suffer Death as in case of Felony, without Benefit of Clergy; and that also if any Person or Persons so being at any such Assembly as aforesaid, shall with Force and Arms wilfully and knowingly oppose, obstruct, or in any Manner wilfully and knowingly let, hinder, or hurt, any Justice of the Peace or other Magistrate, or any Peace Officer, in apprehending or taking into Custody, in Execution of any of the Provisions of this Act hereinbefore contained, any Person or Persons, or endeavouring so to do, that then every such opposing, obstructing, letting, hindering, or hurting, shall be adjudged Felony, without Benefit of Clergy; and the Offend-

ers therein shall be adjudged Felons, and shall suffer Death as in case of Felony, without Benefit of Clergy.

Sheriffs Depute in Scotland, to have the same Powers as Magistrates in England.

XII. And be it further enacted, That the Sheriffs Depute and their Substitutes, Stewards Depute and their Substitutes, Justices of the Peace, Magistrates of Royal Boroughs, and all other inferior Judges and Magistrates, and also all High and Petty Constables or other Peace Officers of any County, Stewartry, City, or Town, within that Part of *Great Britain* called *Scotland*, shall have such and the same Powers and Authorities for putting this present Act in Execution within *Scotland*, as the Justices of the Peace and other Magistrates and Constables aforesaid respectively have by virtue of this Act, within and for the other Parts of this Kingdom; and that all and every Person and Persons who shall at any Time be convicted of any of the Felonies aforementioned, within that Part of *Great Britain* called *Scotland*, shall for every such Offence incur and suffer the Pains of Death and Confiscation of Moveables.

Notices not to be contrary to Law.

XIII. Provided always and be it enacted and declared, That nothing herein contained shall be deemed or construed to render lawful any Notice, or the Act of giving or publishing any Notice, according to the Provisions herein-before contained, which Notice or Act would have been contrary to Law if this Act had not been made.

Places for Lectures or Debates, unless previously licensed, deemed to be disorderly Places; and punishing Persons paying or receiving Money.

XIV. And whereas divers Places have of late been used for delivering Lectures or Discourses, and holding Debates, which Lectures, Discourses, or Debates, have in many Instances been of a seditious and immoral Nature; be it further enacted, That every House, Room, Field, or other Place, at or in which any Lecture or Discourse shall be publicly delivered, or any public Debate shall be had, on any Subject whatever, for the purpose of raising or collecting Money or any other valuable Thing, from the Persons admitted, or to which any Person shall be admitted by Payment of Money, or by any Ticket or Token of any Kind delivered in consideration of Money, or any other valuable Thing, or in consequence of paying or giving, or having paid or given, or having agreed to pay or give, in any Manner, any Money or other valuable Thing, or where any Money or other valuable Thing shall be received from any Person admitted, either under Pretence of paying for any Refreshment or other Thing, or under any other Pretence, or for any other Cause, or by means of any Device or Contrivance whatever, shall be deemed a disorderly House or Place, unless the same shall have been previously licensed in manner hereinafter mentioned; and the Person by whom such House, Room, Field or Place shall be opened or used, for any of the Purposes aforesaid, shall forfeit the Sum of one hundred Pounds for every Day or Time that such House, Room, Field, or Place shall be opened or used as aforesaid, to such Person as will sue for the same, and be otherwise punished as the Law directs in Cases of disorderly Houses; and every Person managing or conducting the Pro-

Penalty on Persons by whom such Places shall be opened, 100l.

No. 66.
57 George III. c. 19.

Penalty on Persons conducting the Proceedings, &c. 20l.

ceedings, or acting as Moderator, President, or Chairman at such House, Room, Field or Place, so opened or used as aforesaid, or therein debating, or delivering any Discourse or Lecture, and also every Person who shall pay, give, collect or receive, or agree to pay, give, collect or receive, any Money or any Thing for or in respect of the Admission of any Person into any such House, Room, Field or Place, or shall deliver out, distribute or receive any such Ticket or Tickets, or Token or Tokens as aforesaid, knowing such House, Room, Field or Place to be opened or used for any such Purpose as aforesaid, shall, for every such Offence, forfeit the Sum of Twenty Pounds.

Prosecuting Masters of such Places.

XV. And be it further enacted, That any Person who shall at any Time hereafter appear, act, or behave him or herself as Master or Mistress, or as the Person having the Command, Government, or Management of any such House, Room, Field or Place, as aforesaid, shall be deemed and taken to be a Person by whom the same is opened or used as aforesaid, and shall be liable to be sued or prosecuted and punished as such, notwithstanding he or she be not in fact the real Owner or Occupier thereof.

Magistrates may demand Admission to unlicensed Places.

XVI. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace of any County, Stewartry, City, Borough, Town, or Place, who shall, by Information upon Oath, have reason to suspect that any House, Room, Field or Place, or any Parts or Part thereof, are or is opened or used for the Purpose of delivering Lectures or Discourses, or for public Debate, contrary to the Provisions of this Act, to go to such House, Room, Field or Place, and demand to be admitted therein: and in case such Justice or Justices shall be refused Admittance to such House, Room, Field, or Place, or any Part thereof, the same shall be deemed a disorderly House or Place, within the Intent and Meaning of this Act; and all and every the Provisions herein-before contained respecting any House, Room, Field, or Place, herein-before declared to be a disorderly House or Place, shall be applied to such House, Room, Field, or Place, where such Admittance shall have been refused as aforesaid, and every Person refusing such Admittance shall forfeit the Sum of twenty Pounds.

Penalty for Refusal, 20l.

Two Justices may license Places for Lectures, &c.

XVII. Provided nevertheless, and be it further enacted, That it shall be lawful for two or more Justices of the Peace for the County, Stewartry, City, Borough, Town, or Place, where any House, Room, or other Building shall be intended to be opened for any of the Purposes aforesaid, by Writing under their Hands and Seals, at their General Quarter or General Sessions of the Peace, or at any Special Session to be held for the particular Purpose, to grant a Licence to any Person or Persons desiring the same, to open such House, Room, or other Building for the Purpose of delivering for Money any such Lectures or Discourses as aforesaid, or for the Purpose of holding Debates on any Subjects, the same being clearly

expressed in such Licence, for which Licence a Fee of one Shilling and no more shall be paid; and the same shall be in force for the Space of one Year and no longer, or for any less Space of Time therein to be specified; and which Licence it shall be lawful for the Justices of the Peace of the same County, Stewartry, City, Borough, Town, or Place, at any General Quarter or General Sessions of the Peace, to revoke and declare void and no longer in force, by any Order of such Justices; a Copy whereof shall be delivered to or served upon the Person to whom the said Licence so revoked shall have been granted, or shall be left at the House, Room, or Building for which such Licence shall have been granted; and thereupon such Licence shall cease and determine, and be thenceforth utterly void and of no effect.

No. 66. 57 George III. c. 19

Licences may be revoked.

XVIII. Provided always, and be it enacted, That it shall be lawful for any Justice or Justices of the Peace of any County, Stewarty, City, Borough, Town or Place, where any such House, Room, or other Building shall be licensed as herein provided, to go to such House, Room or Building so licensed, at the Time of delivering any such Lecture or Discourse, or of holding any Debate therein, as aforesaid, or at the Time appointed for delivering any such Lecture or Discourse, or of holding any Debate, and demand to be admitted therein; and in case such Justice or Justices shall be refused Admittance to such House, Room, or Building, the same shall be deemed, notwithstanding any such Licence as aforesaid, a disorderly House or Place within the Meaning of this Act; and all and every the Provisions hereinbefore contained respecting any House, Room, Field or Place hereinbefore declared to be a disorderly House or Place, shall be applied to such House, Room or Building so licensed as aforesaid, where such Admittance shall have been refused as aforesaid; and every Person refusing such Admittance shall forfeit the Sum of twenty Pounds, to any Person who shall sue for the same.

Justices may inspect licensed Places.

Penalty on refusing Admittance, 20l.

XIX. Provided also, and be it enacted, That it shall be lawful for any two Justices of the Peace, acting for any County, Stewartry, Riding, Division, City, Town, or Place, upon Evidence on Oath that any House, Room, or Place, so licensed and opened as aforesaid, is commonly used for the Purpose of delivering there Lectures or Discourses of a seditious or immoral Tendency, to adjudge and declare the Licence for opening the same to have been forfeited, and such Licence shall thereupon cease and determine, and shall thenceforth be utterly void and of no Effect.

Forfeiture of Licence, in case of seditious or immoral Lectures.

XX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Lecture or Discourses to be delivered in any of the Universities of these Kingdoms by any Member thereof, or any Person authorized by the Chancellor, Vice Chancellor, or other proper Officers of such Universities respectively; or to any Lecture or Discourse to be delivered in the Public Hall of any of the Inns of Court or Chancery, by any Person authorized

Lectures at the Universities, Inns of Court, Gresham College, &c. excepted.

No. 66. 57 George III. c. 19.

by the Benchers of the Inns of Court, or by the Professors in *Gresham College*, or to the Professors in the College established for the Education of the Civil Servants of the *East India* Company, or the Seminaries established for the Education of their Military Service, or to any Society or Body of Men incorporated or established by Royal Charter, or by Authority of Parliament; and that no Payment made to any Schoolmaster or other Person by Law allowed to teach and instruct Youth, in respect of any Lectures or Discourses delivered by such Schoolmaster or other Person for the Instruction only of such Youth as shall be committed to his Instruction, shall be deemed a Payment of Money for Admission to such Lectures or Discourses within the Intent and Meaning of this Act.

Prosecutions to be commenced within six Months after Offences.

XXI. Provided always, That no Person shall be prosecuted by virtue of this Act for any thing done or committed contrary to the Provisions hereinbefore contained, unless such Prosecution shall be commenced within six Calendar Months after the Offence committed.

Commencement and Duration of the Act, as to all the foregoing Clauses and Provisions.

XXII. Provided always, That all the Clauses and Provisions hereinbefore contained shall commence and have effect within the City of *London*, and within twenty Miles thereof, from the Day next after the Day of passing this Act; and shall commence and have effect, within all other Parts of the Kingdom, from the Expiration of seven Days next after the Day of passing this Act; and shall be and continue in force until the twenty-fourth Day of *July* one thousand eight hundred and eighteen.

Regulating the Places of Meeting in Westminster.

XXIII. And whereas it is highly inexpedient that Public Meetings or Assemblies should be held near the Houses of Parliament, or near his Majesty's Courts of Justice in *Westminster Hall*, on such Days as are herein-after mentioned; be it therefore enacted, and it is hereby enacted, That it shall not be lawful for any Person or Persons to convene or call together, or to give any Notice for convening or calling together, any Meeting of Persons consisting of more than fifty Persons, or for any Number of Persons exceeding fifty to meet in any Street, Square, or open Place in the City or Liberties of *Westminster*, or County of *Middlesex*, within the Distance of one Mile from the Gate of *Westminster Hall*, save and except such Parts of the Parish of *St. Paul's Covent Garden* as are within the said Distance, for the Purpose or on the Pretext of considering of or preparing any Petition, Complaint, Remonstrance, Declaration, or other Address to the King, or to his Royal Highness the Prince Regent, or to both Houses or either House of Parliament, for Alteration of Matters in Church or State, on any Day on which the two Houses or either House of Parliament shall meet and sit, or shall be summoned or adjourned or prorogued to meet or sit, nor on any Day on which his Majesty's Courts of Chancery, King's Bench, Common Pleas, and Exchequer, or any of them, or any Judge of any of them, shall sit in *Westminster Hall*, any Thing hereinbefore contained to the contrary notwithstanding; and that if any Meeting or Assembly, for the

Purposes or on the Pretexts aforesaid, of any Persons shall be assembled or holden on any such Day, contrary to the Intent and Meaning of this Enactment, such Meeting or Assembly shall be deemed and taken to be an unlawful Assembly, by whomsoever or in consequence of what Notice soever such Meeting or Assembly shall have been holden: Provided that nothing in this Enactment contained shall by any Construction whatever be deemed or taken to apply to or affect any Meeting convened, called, or holden for the Election of Members of Parliament, or any Persons attending such Meeting, or to any Persons attending upon the Business of either House of Parliament or any of the said Courts. No. 66. 57 George III. c. 19.

XXIV. And whereas divers Societies or Clubs have been instituted, in the Metropolis and in various Parts of this Kingdom, of a dangerous Nature and Tendency, inconsistent with the public Tranquillity, and the Existence of the established Government, Laws and Constitution of the Kingdom; and the Members of many of such Societies or Clubs have taken unlawful Oaths and Engagements of Fidelity and Secrecy, and have taken or subscribed, or assented to, illegal Tests and Declarations; and many of the said Societies or Clubs elect, appoint or employ Committees, Delegates, Representatives or Missionaries of such Societies or Clubs, to meet, confer, communicate or correspond with other Societies or Clubs, or with Delegates, Representatives or Missionaries of such other Societies or Clubs, and to induce and persuade other Persons to become Members thereof, and by such Means maintain an Influence over large Bodies of Men, and delude many ignorant and unwary Persons into the Commission of Acts highly criminal: And whereas certain Societies or Clubs calling themselves *Spenceans* or *Spencean Philanthropists*, hold and profess for their Object the Confiscation of the Land, and the Extinction of the Funded Property of the Kingdom: And whereas it is expedient and necessary that all such Societies or Clubs as aforesaid should be utterly suppressed and prohibited as unlawful Combinations and Confederacies, highly dangerous to the Peace and Tranquillity of this Kingdom, and to the Constitution of the Government thereof, as by Law established; be it enacted, That from and after the passing of this Act, all Societies or Clubs calling themselves *Spenceans* or *Spencean Philanthropists*, and all other Societies or Clubs, by whatever Name or Description the same are called or known, who hold and profess, or who shall hold and profess, the same Objects and Doctrines, shall be and the same are hereby utterly suppressed and prohibited, as being unlawful Combinations and Confederacies against the Government of our Sovereign Lord the King, and against the Peace and Security of his Majesty's liege Subjects. Spencean Societies or Clubs, &c. surpressed and prohibited.

XXV. And be it further enacted, That from and after the passing of this Act, all and every the said Societies or Clubs, and also all and every other Society or Club now established or hereafter to be established, the Members whereof shall be Societies taking unlawful Oaths, &c. &c.

No. 66. required or admitted to take any Oath or Engagement which shall be an unlawful Engagement within the Meaning of an Act passed in the thirty-seventh Year of his Majesty's Reign, intituled "An Act for more effectually preventing the administering and taking of unlawful Oaths, or within the Meaning of an Act passed in the fifty-second Year of his present Majesty's Reign, intituled "An Act to render more effectual an Act, passed in the thirty-seventh Year of his present Majesty, for preventing the administering and taking of unlawful Oaths," or to take any Oath not required or authorized by Law; and every Society or Club, the Members whereof or any of them shall take or in any Manner bind themselves by any such Oath or Engagement, on becoming, or in order to become, or in consequence of being a Member or Members of such Society or Club; and every Society or Club, the Members or any Member whereof shall be required or admitted to take, subscribe or assent to, or shall take, subscribe or assent to any Test or Declaration not required or authorized by Law, in whatever Manner or Form such taking or assenting shall be performed, whether by Words, Signs or otherwise; either on becoming or in order to become, or in consequence of being a Member or Members of any such Society or Club; and every Society or Club that shall elect, appoint, nominate or employ any Committee, Delegate or Delegates, Representative or Representatives, Missionary or Missionaries, to meet, confer or communicate with any other Society or Club, or with any Committee, Delegate or Delegates, Representative or Representatives, Missionary or Missionaries, of such other Society or Club, or to induce or persuade any Person or Persons to become Members thereof, shall be deemed and taken to be unlawful Combinations and Confederacies, within the Meaning of an Act passed in the thirty-ninth Year of the Reign of his present Majesty, intituled "An Act for the more effectual Suppression of Societies established for seditious and treasonable Purposes; and for better preventing treasonable and seditious Practices," and shall and may be prosecuted, proceeded against, and punished, according to the Provisions of the said Act; and every Person who, from and after the passing of this Act, shall become a Member of any such Society or Club, or who, after the passing of this Act, shall act as a Member thereof, and every Person who, from and after the passing of this Act, shall directly or indirectly maintain Correspondence or Intercourse with any such Society or Club, or with any Committee or Delegate, Representative or Missionary, or with any Officer or Member thereof, as such, or who shall, by Contribution of Money or otherwise, aid, abet, or support such Society or Club; or any Members or Officers thereof, as such, shall be deemed guilty of an unlawful Combination and Confederacy within the Intent and Meaning of the said Act passed in the thirty-ninth Year of his Majesty's Reign, "for the more effectual Suppression of Societies established for seditious and treasonable Purposes; and for better preventing

57 George III. c. 19

37 G. 3. c. 123.

52 G. 3. c. 104.

or electing Committees, Delegates, &c.

Members guilty of unlawful Combination.

39 G. 3. c. 79.

treasonable and seditious Practices;" and shall and may be proceeded against, prosecuted and punished, according to the Provisions of the said Act, with regard to the Prosecution and Punishment of unlawful Combinations and Confederacies.

No. 66. 57 George III. c. 19.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to any Society or Societies holden under the Denomination of Lodges of Freemasons, in conformity to the Rules prevailing in such Societies of Freemasons, provided such Lodges shall comply with the Rules and Regulations contained in the said Act of the thirty-ninth Year of his present Majesty, relating to such Lodges of Freemasons; nor to any Declaration to be taken, subscribed or assented to by the Members of any Society, the Form of which Declaration shall have been first approved and subscribed by two or more Justices of the Peace, and confirmed by the major Part of the Justices present at a General Session, or at a General Quarter Sessions of the Peace, pursuant to the Rules and Regulations contained in the said Act of the thirty-ninth Year of his present Majesty; nor shall extend or be construed to extend to any Meeting or Society of the People commonly called *Quakers*; or to any Meeting or Society formed or assembled for Purposes of a religious or charitable Nature only, and in which no other Matter or Business whatsoever shall be treated of or discussed.

Act not to extend to Freemasons' Lodges; nor to Declaration approved by two Justices; nor to extend to Meetings or Societies for Charitable Purposes.

XXVII. And whereas in the said Act of the thirty-ninth Year of the Reign of his present Majesty, it is amongst other Things enacted, 'That every Society which shall be composed of different Divisions or Branches, or of different Parts acting in any Manner separately or distinct from each other, or of which any Part shall have any separate or distinct President, Secretary, Treasurer, Delegate, or other Officer elected or appointed by or for such Part, or to act as an Officer for such Part, shall be deemed and taken to be unlawful Combinations and Confederacies;' be it enacted, That the said Enactment shall not extend or be construed to extend to any Meeting or Society of the People commonly called *Quakers*, or to any Meeting or Society formed or assembled for Purposes of a religious or charitable Nature only, and in which no other Matter or Business whatsoever shall be treated of or discussed.

39 G. 3. c. 79: not to extend to Quakers' Meetings, &c.

XXVIII. And be it further enacted, That if any Person shall knowingly permit any Meeting of any Society or Club hereby declared to be an unlawful Combination or Confederacy, or of any Division, Branch or Committee of such Society or Club, to be held in any House or Apartment, Building, or other Place, to him or her belonging, or in his or her Possession or Occupation, such Person shall, for the first Offence, forfeit the Sum of five Pounds, and shall, for any such Offence committed after the Date of his or her Conviction for such first Offence, be deemed guilty of an unlawful Combination and Confederacy, in Breach of this Act.

Penalty on Persons permitting unlawful Assemblies.

XXIX. And be it further enacted, That it shall be lawful for any two or more Justices of the Peace, acting for any

Licences of Public Houses

No. 66. 57 George III. c. 19. where unlawful Clubs are held, to be forfeited.

County, Stewartry, Riding, Division, City, Town or Place, upon Evidence on Oath, that any Meeting of any Society or Club hereby declared to be an unlawful Combination and Confederacy, or any Meeting for any seditious Purpose, hath been held, after the passing of this Act, at any House, Room or Place, licensed for the Sale of Ale, Beer, Wine or Spirituous Liquors with the Knowledge and Consent of the Person keeping such House, Room or Place, to adjudge and declare the Licence or Licences for selling Ale, Beer, Wine or Spirituous Liquors, granted to the Person or Persons keeping such House, Room or Place, to be forfeited; and the Person or Persons so keeping such House, Room or Place, shall from and after the Day of the Date of such Adjudication and Declaration, and Notice thereof given to him, her or them, be subject and liable to all and every the Penalties and Forfeitures for any Act done after that Day, which such Person or Persons would be subject and liable to, if such Licence or Licences had expired, or otherwise determined on that Day.

Penalties exceeding 20*l.* how to be recovered.

XXX. And be it further enacted, That all or any of the Pecuniary Fines, Penalties or Forfeitures, exceeding the Sum of twenty Pounds, incurred under this Act, in *England*, *Wales*, or *Berwick-upon-Tweed*, may be recovered by Action of Debt in any of his Majesty's Courts of Record at *Westminster*, and in *Scotland* in the Court of Session there; and it shall be sufficient to declare in *England* or conclude in *Scotland*, that the Defendant or Defender is indebted to the Plaintiff or Pursuer in the Sum of (being the Sum demanded by the said Action) being forfeited by an Act made in the fifty-seventh Year of the Reign of his present Majesty, intituled, "An Act for the more effectually preventing Seditious Meetings and Assemblies;" and the Plaintiff or Pursuer, if he shall recover in such Action, shall have his full Costs or Expences; and any pecuniary Penalty imposed by this Act not exceeding the Sum of twenty Pounds, and for the Recovery whereof no Provision is herein-before contained, shall and may be recovered before any Justice or Justices of the Peace for the County, Stewartry, Riding, Division, City, Town, or Place, in which the same shall be incurred, or the Person having incurred the same shall happen to be, in a summary Way; and in case such last-mentioned Penalty shall not be forthwith paid, such Justice or Justices shall by Warrant under his or their Hand and Seal or Hands and Seals, and directed to any Constable or other Peace Officer, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale; and in case no sufficient Distress can be had or made, such Justice or Justices shall commit the Offender to the Common Gaol or House of Correction for such County, Stewartry, Riding, Division, City, Borough, Town or Place, there to remain without Bail or Mainprize, for any Time not exceeding six Calendar Months, nor less than three Calendar Months: Provided always, that no Person shall be prosecuted or sued for

57 G. 3. c. 19.

Penalties not exceeding 20*l.* how to be recovered.

any pecuniary Penalty imposed by this Act, unless such Prosecution shall be commenced, or such Action shall be brought within three Calendar Months next after such Penalty shall have been incurred. No. 66. 57 George III c. 19.

XXXI. And be it further enacted, That all pecuniary Penalties and Forfeitures imposed by this Act shall, when recovered, either by Action in any Court, or in a summary Way before any Justice, be applied and disposed of in Manner herein-after mentioned; that is to say, one Moiety thereof to the Plaintiff in any such Action, or to the Informer before any Justice, and the other Moiety thereof to his Majesty, his Heirs and Successors. Application of Penalties.

XXXII. And be it further enacted, That any Action and Suit which shall be brought or commenced against any Justice or Justices of the Peace, Constable, Peace Officer, or other Person or Persons, in *England*, *Wales*, or the Town of *Berwick-upon-Tweed*, for any Thing done or acted in pursuance of this Act, shall be commenced within three Calendar Months next after the Fact committed, and not afterwards; and the Venue in every such Action or Suit shall be laid in the proper County where the Fact was committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and if such Action or Suit shall be brought or commenced after the Time limited for bringing the same, or the Venue shall be laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant or Defendants; and in such Case, or if the Jury shall find a Verdict for the Defendant or Defendants upon the Merits, or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her, or their Action after Appearance, or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs; which he or they shall and may recover in such and the same Manner as any Defendant can by Law in other Cases. Limitation of Actions. General Issue may be pleaded. Double Costs.

XXXIII. And be it further enacted, That every Action and Suit which shall be brought or commenced against any Person or Persons in *Scotland*, for any Thing done or acted in pursuance of this Act, shall in like Manner be commenced within three Calendar Months after the Fact committed, and not afterwards, and shall be brought in the Court of Session in *Scotland*; and the Defender or Defenders may plead that the Matter complained of was done in pursuance of this Act, and may give this Act and the Special Matter in Evidence; and if such Action or Suit shall be brought or commenced after the Time limited for bringing the same, then the same shall be dismissed; and in such Case, or if the Defender or Defenders shall be assoilzied, or the Pursuer or Pursuers shall suffer the Action or Suit to fall asleep, or a Decision shall be pronounced against the Pursuer or Pursuers upon the Relevancy, the Defender or Defenders shall have Treble Costs or Expences; which he or Limitation of Actions, &c. in Scotland.

No. 66. 57 George III. c. 19.

they shall and may recover in such and the same Manner as any Defender can by Law recover Costs or Expences in other Cases.

Form of Conviction.

XXXIV. And be it further enacted, That Convictions by any Justice or Justices of the Peace for Offences against this Act, and Adjudications of Forfeitures of Licences to be made in pursuance of this Act, shall or may be in the several Forms set forth for such Purposes respectively in the Schedule to this Act annexed, or in Words to that Effect.

Act not to affect other Provisions made by Law.

XXXV. Provided always, and be it enacted, That nothing in this Act contained shall be deemed to take away or abridge any Provision already made by the Law of this Realm, or of any Part thereof, for the Suppression or Punishment of any Offence whatsoever described in this Act.

Persons not liable to Prosecution under this Act for having been Members of any Club previous to the passing of this Act, &c.

XXXVI. Provided also, and be it enacted, That no Person shall be prosecuted under this Act, for having been, before the passing of this Act, a Member of any Society or Club declared hereby to be an unlawful Combination and Confederacy, if such Person shall not in any Manner have acted as a Member of such Society or Club after the passing of this Act; but that nothing in this Act contained shall extend to prevent any Prosecution, by Indictment or otherwise, for any Thing which shall be an Offence within the Intent and Meaning of this Act, and which might have been so prosecuted if this Act had not been made: Provided always, that no Person who shall be prosecuted and convicted or acquitted of any Offence against this Act shall be subject or liable to be again prosecuted for the same Offence: Provided always, that nothing herein contained shall extend to discharge any Person in Custody at the Time of passing this Act, or who having been in Custody shall have been discharged on Bail or Recognizance, from any Prosecution which might have been had against such Person if this Act had not been made.

Provision as to the Power of the Attorney General and Lord Advocate and Secretary of State to stay Proceedings.

XXXVII. Provided always, and be it enacted, That in case any Proceeding or Prosecution shall be instituted, commenced, or prosecuted for any Offence committed against the said Act of the thirty-ninth Year of His present Majesty, or against this Act, either by Action, or by Information before any Justice or Justices or otherwise, it shall and may be lawful for His Majesty's Attorney General for the Time being, as to any such Action, Information or other Proceeding in *England*, or for the Lord Advocate of *Scotland* as to any such Action, Information, or other Proceeding in *Scotland*, to order any such Action, Information, or other Proceeding to be stayed; and in case of any Judgment or Conviction upon any such Action, Information or Proceeding, it shall and may be lawful for any one of His Majesty's Principal Secretaries of State, by any Order made for that Purpose under his Hand, to stay the Execution of such Judgment or Conviction, or to mitigate or remit any Fine or Forfeiture, or any Part thereof.

Damages done by riotous or tu-

XXXVIII. And be it further enacted, That in every Case where any House, Shop, or other Building what-

ever, or any Part thereof, shall be destroyed, or shall be in any Manner damaged or injured, or where any Fixtures thereto attached, or any Furniture, Goods or Commodities whatever which shall be therein, shall be destroyed, taken away, or damaged by the Act or Acts of any riotous or tumultuous Assembly of Persons, or by the Act or Acts of any Person or Persons engaged in or making Part of such riotous or tumultuous Assembly, the Inhabitants of the City or Town in which such House, Shop, or Building shall be situate, if such City or Town be a County of itself, or is not within any Hundred, or otherwise the Inhabitants of the Hundred in which such Damage shall be done, shall be liable to yield full Compensation in Damages to the Person or Persons injured and damnified by such Destruction, taking away or Damage; and such Damages shall and may be demanded, sued for, and recovered by the same Means and under the same Provisions as are provided in and by an Act passed in the first Year of King *George* the First, intituled "An Act for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the Rioters," with respect to Persons injured and damnified by the demolishing or pulling down of any Dwelling House by Persons unlawfully, riotously, and tumultuously assembled.

No. 66. 57 George III, c. 19. multuous Assemblies to be recovered. 1 G. 1. c. 5.

XXXIX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to that Part of the United Kingdom called *Ireland*.

Act not to extend to Ireland.

XL. And be it further enacted, That this Act may be repealed in the Whole, or in any Part thereof, or in any Manner altered or amended, during the present Session of Parliament.

Act may be repealed or altered this Session.

The SCHEDULE to which the Bill refers.

I. FORM *of Conviction of an unlawful Combination and Confederacy.*

M. } to wit. } BE it remembered, That on this Day of in the Year of the Reign of *A. B.* of is duly convicted before me [*or*, us] of his Majesty's Justices of the Peace for in pursuance of an Act of the fifty-seventh Year of the Reign of King *George* the Third, [*set forth the Title of the Act*] for that the said *A. B.* after the passing of the said Act, to wit, on the Day of at did, contrary to the said Act, become a Member of [*or*, *as the Case may be*] act as a Member of, or maintain a Correspondence or Intercourse with, or by Contribution of Money or otherwise abet or support a Society [*describing the Society*], which Society is an unlawful Combination and Confederacy within the Intent and Meaning of the said Act; Wherefore I [*or*, we] the said do adjudge, That he the said *A. B.* do pay [*or*, be

No. 66. 57 George III. c. 19.

imprisoned] as a Penalty for his Offence in pursuance of the said Act.

Given under my Hand and Seal [or, our Hands and Seals] this Day of in the Year of our Lord and in the Year of the Reign of his Majesty King

II. FORM *of Adjudication of Forfeiture of Licence to sell Ale, &c.*

M. } to wit. } BE it remembered, That on this Day of in the Year of the ign of his present Majesty, *A. B.* of being a Per- icensed to sell [*as the Case may be*] is duly convicted before o of his Majesty's Justices of the Peace for the County of in pursuance of an Act of the fifty-seventh Year Reign of King *George* the Third [*set forth the Title Act*] for that he the said *A. B.* on at did permit a Meeting of a Society [*describe the y*] which is an unlawful Combination and Confederacy the Intent and Meaning of the said Act, to be held at being the House [*as the Case may be*] of the said wherein he the said *A. B.* is licensed to sell [*as the may be*]: Wherefore we the said do adjudge eclare, that the Licence [*or*, Licences, *as the Case may* [*or*, are] for such Offence forfeited.

Given under our Hands and Seals, this Day in the Year of our Lord , and in Year of the Reign of his Majesty ng.

III. FORM *of Conviction for Offences subject to Pecuniary Penalties.*

BE it remembered, That on this Day of in the Year of the Reign of *A. B.* of is duly convicted before me [*or*, us] of his Majesty's Justices of the Peace for in pursuance of an Act of the fifty-seventh Year of the Reign of King *George* the Third [*set forth the Title of the Act*] for that the said *A. B.* after the passing of the said Act, on at did, contrary to the said Act [*here specify any Offence against the Act, as the Case may be*]: Wherefore I [*or*, we] the said do adjudge that the said *A. B.* do pay the Sum of as a Penalty for this Offence in pursuance of the said Act.

Part V. Class III.

OFFENCES RELATING TO COIN AND BULLION.

No. 1.

20 Edward I. stat. 4. — Statutum de Moneta.

Cotton *MS. Claudius*, D. 2.*

ENCOUNTRE les damages et les perils qe sount avenuz cea en ariere et purrount aven' de la Monoye Dengleterre est issint ordenez qil soit crie et defendu per le Roi en toute le Roialme en toutes les villes marchaundes qe nul homme sur grief forfaiture ne soit si hardy despendre mettre ou resceiv' autre monoie dautre coigne qe del coigne le Roi Dengleterre Dirland et Descoce. No. 1. 20 Edward I. st. 4.

Unqore qil defendu de par le Roi qe nul apporte deniers en ceo pais si ceo ne soit pur ses despences ne soit si hardy de arrver en Engleterre si force de tournement ne lui chace per bone testmoignance forspris a Dovorr' et a Sandewyz a Loundres et a seint Botolf a Southampton et as autres de cynk portes quant il vendra as ascuns de ceux lieux qil bien et loialment monstre ses deniers a celui qi serra assigne depar le Roi sanz nul concelement sur forfaiture du corps et des averes.

Et qi dilloeqes ne apporte ne alloigne le av' per lui ne per autre jesqes a taumt qe la monoye soit vewe et examine per celui qe le Roi assignera.

Derechief qil soit crie et defendu depar le Roi sur forfaiture du corps et de avoir qe nulle homme soit si hardy de mettre nulle monoye entre draps et fardeux nen hales ou en ascune manere dount suspecion puisse estre de nul concelement Et si nul tiel soit trove celui qe lui trovera eit quatre deniers de la livre et tout le remenaunt soit au Roi.

Unqore qil soit crie et comaunde per le Roi qi qe trove denier feru dautri coigne qe del coigne le Roi Dengleterre ou Descoce ou Dirland ou denier retoundu qe il le perde Et qe nul' ne soit si hardy de countredire le sure forfaiture et ceo qil trovera faux qil soit despesce saunz rendre Et le corps celui en qi main le faux denier ou retoundu appiert trove soit pris et resceu jesqes a taunt qil eit trove son garaunt si tiel soit homme suspecionous.

* These three Statutes are taken from the *Veterum Statutorum secunda pars.*

No. 66. 57 George III. c. 19.

imprisoned] as a Penalty for his Offence in pursuance of the said Act.

Given under my Hand and Seal [*or*, our Hands and Seals] this Day of in the Year of our Lord and in the Year of the Reign of his Majesty King

II. FORM *of Adjudication of Forfeiture of Licence to sell Ale, &c.*

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Given under our Hands and Seals, this Day in the Year of our Lord , and in Year of the Reign of his Majesty ng

III. FORM *of Conviction for Offences subject to Pecuniary Penalties.*

BE it remembered, That on this Day of in the Year of the Reign of *A. B.* of is duly convicted before me [*or*, us] of his Majesty's Justices of the Peace for in pursuance of an Act of the fifty-seventh Year of the Reign of King *George* the Third [*set forth the Title of the Act*] for that the said *A. B.* after the passing of the said Act, on at did, contrary to the said Act [*here specify any Offence against the Act, as the Case may be*]: Wherefore I [*or*, we] the said do adjudge that the said *A. B.* do pay the Sum of as a Penalty for this Offence in pursuance of the said Act.

PART V. CLASS III.

OFFENCES RELATING TO COIN AND BULLION.

No. 1.

20 Edward I. stat. 4.—Statutum de Moneta.

Cotton *MS.* *Claudius*, D. 2.*

ENCOUNTRE les damages et les perils qe soant avenuz cea en anere et purrount aven' de la Monoye Dengleterre est issint ordenez qil soit crie et defendu per le Roi en toute le Roialme en toutes les villes marchaundes qe nul homme sur grief forfaiture ne soit si hardy despendre mettre ou resceiv' autre monoie dautre coigne qe del coigne le Roi Dengleterre Dirland et Descoce. No. 1. 20 Edward I. st. 4.

Unqore qil defendu de par le Roi qe nul apporte deniers en ceo pais si ceo ne soit pur ses despences ne soit si hardy de ariver en Engleterre si force de tournement ne lui chace per bone testmoignance forspris a Dovorr' et a Sandewyz a Loundres et a seint Botolf a Southampton et as autres de cynk portes quant il vendra as ascuns de ceux lieux qil bien et loialment monstre ses deniers a celui qi serra assigne depar le Roi sanz nul concelement sur forfaiture du corps et des averes.

Et qi dilloeqes ne apporte ne alloigne le av' per lui ne per autre jesqes a taunt qe la monoye soit vewe et examine per celui qe le Roi assignera.

Derechief qil soit crie et defendu depar le Roi sur forfaiture du corps et de avoir qe nulle homme soit si hardy de mettre nulle monoye entre draps et fardeux nen hales ou en ascune manere dount suspecion puisse estre de nul concelement Et si nul tiel soit trove celui qe lui trovera eit quatre deniers de la livre et tout le remenaunt soit au Roi.

Unqore qil soit crie et comaunde per le Roi qi qe trove denier feru dautri coigne qe del coigne le Roi Dengleterre ou Descoce ou Dirland ou denier retoundu qe il le perde Et qe nul' ne soit si hardy de countredire le sure forfaiture et ceo qil trovera faux qil soit despesce saunz rendre Et le corps celui en qi main le faux denier ou retoundu appiert trove soit pris et resceu jesqes a taunt qil eit trove son garaunt si tiel soit homme suspecionous.

* These three Statutes are taken from the *Veterum Statutorum secunda pars.*

Cotton *MS. Claudius*, D. 2.

No. 1. 20 Edward I. st. 4. Et purceo qe nuls des gentz poures ou riches ne savent conustre les legier deniers et les retounduz si est ordene que qui desoremes devera resceiv' ou deliverer deniers les resceive ou livre per pois de v. s. enamunt et de v. s. enavale per toumbrell livere per gardein del eschaunge merche del merche le Roi sicome sount les mesures.

Et bien list a chescun de percer le denier qe de riens passera le Toumbrell' et le denier dautre coigne qe del coigne le Roi Dengleterre Dirland' et Descoce les pois serrount auxibien liverez & merchez per le gardein del chaunge come le Toumbrell'.

... veours & gardours de la mohoie qe vendra de la outre ... t qil avera regarde al oiel il poisera & sil trove de novel ... ers qe la livre ne poise mye xx. s. per noumbre de quatre ... ers donqes regarde il per le Toumbrell' la ou le defaute ... sil soit devers deniers qe molt sount usez si tost entrerent ... xx. s. & al meins soient liverez a celui qe les avera porte ... countredit mes si pluis y entrent face auxi de ceux come ... tres & le gardour avantdit si preigne bone garde qil ne ... e doun ou louer pur faire nulle manere de desport ne ex... n ne face noundue auxint come ils voillent sauver soi & ... ms.

No. 2.

20 Edward I. stat. 5.—Statutum de Moneta parvum.

No. 2 20 Edw ... st EDWARDUS Dei Gratia Rex Anglie Dominus Hibernie & ... Dux Aquitanie Vic. Lincoln salutem. Quia mercatores ...ienigine & etiam quidam idigene regni nostri de die in diem def... in idem regnum de partibus transmarinis monetam nostra... nsam & aliam de diversis cuneis contrafactam monete nos... mixtam negotiantes & mercantes de eadem moneta in n... mnum & totius populi nostri non modicum acetiam in sul... em totius monete nostre Nos super hoc ne fortassis per tol... longiorem periculum majus immineat remedium adhiber... es tibi precipimus sicut alias quod in pleno comitatu tu... ingulis civitatibus & villis mercatoriis ejusdem comitatus ... inhiberi & publice proclamari facias Ne quis mercator al... a vel quicunque alius hujusmodi monetam nostram ret... eu etiam aliam de alienis cuneis contrafactam de cet... egnum deferat vel etiam ea in merchandizando vel n... lo utatur Quod si fecerint prima vice qua super hoc ...ensi fuerint monetam illam retonsam vel etiam aliam contrafactam amittant Et si idem iterum in consimili delicto deprehensi fuerint monetam illam & etiam alia bona sua secum inventa amittant Et si tertia vice idem delictum commiserint & ... nsi fuerint de corporibus suis & etiam de omnibus bonis ... llis suis nobis totaliter incurratur. Alii

Cotton *MS.* *Claudius*, D. 2.

autem qui mercatores non fuerint & monetam nostram retonsam vel aliam contrafactam habuerint statim eam perforent & ad excambium nostrum transmittant de novo sub cuneo nostro cudendam Alioquin in quorum manibus hujusmodi moneta reperta fuerit Nobis sit penitus forisfacta. Et nisi hoc mandatum nostrum plene exequaris Nos ad te & tua graviter capiemus T. W. de Marchia Thes. nostro xxi die Jun. Anno regni nostri xx. No. 2. 20 Edward I. st. 5.

No. 3.

20 Edward I. stat. 6.—Articuli de Moneta.

Cotton *MS.* *Claudius*, D. 2.

CES sount les articles qe sount dela la meer & de cea a graunt damage nostre Signur le Roi & de son poeple & a graunt corrupcion de sa monoye Dengleterre. No. 3. 20 Edward I. st. 6.

Primierement homme fait la outre une manere de monoie dargent ove une mitre les xx s. de la quele monoie ne poise mesque xvi s. iiij. d. Dengleterre.

Derechief lem fait autres deux maneres de monoie ove liouns dount il y ad bendes en la une monoie & en lautre nient mes qils sount auxi legiers come la monoie de mytre.

Unqore lem fait auxibien de cea come de la une manere de faux monoie qe est pure dequiver & est blaunche & quant ele est novele ele resemble la monoye Dengleterre.

Il y ad unqore une manere de moneye qest fait en Avynein desouz le noun *Edward* Roi Dengleterre qe pois auxi poi ou meins qe la monoie de la mitre & ceo ne poet estre conue si ceo ne soit per pois.

Lautre fausin qe lem faite en la monoie si est qil ad ascuns qi portent plates de peutre ou de plombe a la fourme dun denier si les mettent entre deux foilles dargent & puis les ferrount ou en coigne ou en quire ou autre denier bien forge ad este feru.

Les autres auxibien de cea come de la retoundent la bone & loial monoie au damage de toute la communalte.

Cestes monoyes qe sount faites ou retounduz hors Dengleterre sount apportez per trespassourz & nomement per marchauntz Et purceo qils savent bien qe homme les serche a Dovorr il les mettent entre draps en bales si ne viegnent nient a Dovorr' ne a Sandewiz mes ils viegnent a Loundres ou en Essex' ou en Sussex' ou en Lyndesey les queux choses si eles fuissent longement suffertz celes metteront la monoye Dengleterre toute a nient.

No. 4.

27 Edward I.—Stat. De falsa Moneta.

Ex Rot. in Turr. Lond. *m.* 37.

No. 4. 27 Edward I. EDWARD par la grace de Dieu roi dEngleterre seignur dIrland e Ducs dAquitaine a viscunte de Sumersete e Dorsete saluz. Pur ceo qe nostre Roiaume e les autres terres de nostre seignurie sunt replenis de diverse mauveises monees que sunt appelez Pollardz e Crokardz e par autres nons les queles sont portees e mys en dit Roiaume e aillours en nostre poer par diverse gentz de la outre, e la eins despendues diversement a grant dammage de nous e de tout nostre poeple nous par commun assentement des Prelatz des Countes e des Barouns de meisme le roiaume avoms sur ceo ordene e estable remedie solonc les articles que sensuyent. Primerement qe nul desormes teles moneies ne porte en le dit nostre Roiaume ne aillours en nostre poer sur forfeture de vie e des biens e de quant qil porra forfaire issint tote voies qe totes gentz de queq' terre ou de queq' pais qil soient puissent sauvement porter a nostre chaunge totes maneres des moneies de bon argent de queq' coign de la outre ou de queque value qe eles soient sauns ceo qe eles soient forfaites. E pur ceo qe cest establisement valer ne porra si bien ne soit mayntenu ordene est qe bone garde estraite se face en touz les lieux sur la costere de la mer es portz e aillours ou nule manere de arivail est par bons e loiaux juretz qe ceux qi teles ou autres mauveises monees porteront arresteint ove meismes les moneies e ove tout ceo qil averont e qe meismes ceux envoient a cely ou a ceux qi de par nous poer avera ou averont pur myse de eux Mes cesti poer pur ceo qe nous ne sumes pas uncore avises quele manere de myse nous envoderoms faire avoms nous retenutz a nous meismes. E voloms quant al arest avandit qil ce face en cete manere cest asavoir qe la communaute de chescun port ellise deux bons e loials hommes de meismes le ports pur les queux les elissours vouderont respondre qi ove les baillifs de meismes le ports arrestent e serchent loiaument e saunz desports touz ceux qui ariveront deinz leur gardes e tout ceo qil porteront e les cors de ceux qil troveront qi teles ou autres mauveises moneies averont portetz envoient saunz delay a nostre chef prison du counte en quel il serront arrivetz. E voloms e comaundoms qe le gardeyn de meisme la prison les reteyne e sauvement les garde taunt que nous sacchoms la manere du fait e qe nous eoms sur ceo maunde nostre volunte. E la moneye e autre argent si lui eit deyvent meismes les gardeyns envoier e liverer a nostre grant chaunge e des autres biens eux meismes charger e respoundre a nostre escheker. Dautre part pur ceo qe nous avoms entendue qe len contrefait par de la le bon esterling de mauvais e de faus metal pur plus grant dammage faire a nostre Roiaume avantdit nous avoms ensement ordene qe touz ceux qi esterlings porteront de la outre en meisme le Roiaume ou aillours en nostre poer deivent bailler e baillent meismes ceux ester-

Ex Rot. in Turr. Lond.

lings a ditz gardeins des portz ou il arriveront e qe meismes ceux gardeins souz lur seaux e souz les seaux de ceux qi les porteront e par bon tesmoignage des bones gentz de meismes les portz les envoyent tauntost a procheyns assaiours qi assignetz serrount depar nous pur le asay faire de moneye. E deyvent meismes les gardeyns envoier les cors ove les deners sauvement e en curteise manere. Et si les assaiours troussent les deners bons e loiaux en pois e en argent e en totes autres choses solonc la veil estandard dEngleterre mayntenaunt desarrestent les cors e leur deliverent les deners qil averont ensuit portetz e si fauses soient troves forfaitz soient e les cors a nostre volunte. Derechef ordenê es qe nuls desormes de nostre Roiaume ne de nostre poer ne vende ne lesse laines ne quirs ne peaux ne plum ne estaim forke pur bons e loiaux esterlings ou pur plate de argent assaie e merche a nostre grant chaunge ou en eschaunge de bone de loiale e de suffisant marchaundise e si nul le fait autrement e de ceo soit atteynt par les dits gardeyns ou par autres de nos ministres qeles choses issint vendues ou lessees nous soient forfaites. Uncore est ordene qe nule bone moneye de argent de nostre coign ne de autri ne nul argent en plate ne en autre manere ne isse ne porte ne soit hors de nostre Roiaume ne hors de nostre poer en les parties de la outre saunz especiale conge de nous sur la peyne desusdite. E a cete chose garder ensemblement ove les autres pointz avantditz devent meismes gardeyns mettre diligence e peine en toutes les bones maneres qil porront. E ceux meismes gardeyns avant qe il receivent la garde avantdite deyvent jurer devant les viscuntes ou devant leur chefs gardeyns la ou il ne sunt a viscuntes responantz qe il feront e tenderont loiaument e saunz nule lascheste tant com en eux est tut ce qe a cete garde apartient selonqe la forme avandite. E sil facent releis ou desportz a nuly pur doen ou pur favour ou en aucune autre manere e de ceo soient atteynt qil soient en forfaiture de vie e de quant qil ount. Derechef come ordene soit qil y eit table a Dovre e aliours ou nous ordeneroms passages certeyns pur chaunger despens necesseires as alantz e as venantz si avoms ja assigne Johan Bellard Johan Galeys e leur compaignons a tenir table a Dovre de par nous de totes maneres de moneies. E voloms qe il facent illoeques chaunge pur despens necesseires as alauntz la outre e as venaunz de dela par vewe e tesmoignaunce de countreolleour qe nous y metteroms e qe totes gentz qe venderont de la outre portaunz moneie qe curt en poer le roi de Fraunce portent meisme la moneie a la dite table e illoeques receyvent al aveignaunt de la moneie qe court en nostre Roiaume. E sil soient trove nule part ailours ove tiele moneie qe meisme la moneie nous soit forfaite e le forfait tourne a la dite table a nostre oeps. Pur quoi nous vous mandoms fermement enjoignantz qe mayntenaunt vewes cetes lettres tous les articles e pointz avantditz facent crier e publier en cites e burghs viles marchaundes portz e touz autres lieux parmy vostre ballie la ou vous verretz qe soit afaire E gardeyns establir e

No. 4. 27 Edward I.

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No. 4.
27 Edward I.

jurer e cete nostre ordenaunce tenir e garder en la forme desusdite sur les peynes en meisme cete forme countenues. Don' a Stebenheth le quintime jour de May lan de nostre regne vint septisme.

No. 5.

28 Edward I. stat. 3. c. 20.—Vessels of Gold shall be essayed, touched, and marked. The King's Prerogative shall be saved.

No. 5.
28 Edward I. st. 3. c. 20.

Vessels of Gold and Silver shall be essayed and touched.

'IT is ordained, That no 'Goldsmith of *England*, 'nor none other where within 'the King's Dominion, shall 'from henceforth make, or 'cause to be made, any Man- 'ner of Vessel, Jewel, or any 'other Thing of Gold or Sil- 'ver, except it be of good and 'true Allay; that is to say, Gold of a certain Touch, 'and Silver of the Sterling Al- 'lay, or of better, at the Plea- 'sure of him to whom the 'Work belongeth; and that 'none work worse Silver than 'Money. And that no Man- 'ner of Vessel of Silver de- 'part out of the Hands of the 'Workers, until it be essayed 'by the Wardens of the Craft; 'and further, that it be mark- 'ed with the Leopard's Head; 'and that they work no worse 'Gold than of the Touch of '*Paris*. And that the War- 'dens of the Craft shall go 'from Shop to Shop among the 'Goldsmiths, to essay if their 'Gold be of the same Touch 'that is spoken of before; and 'if they find any other than 'of the Touch aforesaid, the 'Gold shall be forfeit to the 'King. And that none shall 'make annealed Crosses, nor 'vermilioned Crosses; and 'that none shall set any Stone 'in Gold, except it be natu-

Vessels marked with the Leopard's Head. Altered by 8 & 9 W. 3. c. 8. 9, and 6 G. 1.

ORDENE est qe nul orfeure dEngleterre ne daillours de la seignurie le Roi ne overe ne face de ci en avant nule manere de vessele de joiaus nautre chose dor ne dargent qe ne seit de bon e de verrai alai cest asavoir or de certeine tuche e argent del alay de le esterling ou de meilur alay solunc la volente de celui a qui les ovres sont. E qe nul ne overe pir argent qe moneie. E qe nul manere de vessele de argent ne parte hors des meins as overers tant qe ele soit assaie par les gardeins du mester e qe ele soit signee de une teste de leopart qe nul ne overe pir or qe tuche de Parys. E qe les gardeins du mester aillent de shope en shope entre les overers assaiant qe lor soit tiele come le tuche avantdite e sil trovent nul pir qe la tuche qe lovere soit forfet au Roi. Qe nul ne face anels croys ne fermail crois qe nul ne mette pere en or si il ne soit naturele. Qe taillurs de amans e de seals qe il rendent a chescuny son poys dargent e dor ausi avant come il le poent saver sur leur leaute e les jueus dor qil unt entre meins de viele overe qil sen deliverent a plustost qil poent e sil achatent desore en avant de meisme cele overe qil le achatent per depes-

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cer e ne mie pur revendre e en totes les bones viles dEngleterre ou y a orfeures qil facent meismes les estatutz qe ceus de Loundres fount e qe un viegne de chescune vile per touz a Loundres de querre lour certain tuche. E si nul orfeure soit atteint qe autrement le face qe desus ne est ordene soit puny par prison e par ranceon a la volunte le Roi. En totes les choses desusdites ne chescune de eles voet le Roi e entent il & soen consail e touz ceus qui a cest ordenement furent qe le droit e la Seignurie de sa Coroune savez lui soient par tout.

'ral. And that Gravers or 'Cutters of Stones and of Seals 'shall give to each their 'Weight of Silver and Gold '(as near as they can) upon 'their Fidelity; and the Jewels 'of Gold of old Work which 'they have in their Hands, 'they shall utter as fast as they 'can: and from henceforth, 'if they buy any of the same 'Work, they shall buy it to 'work upon, and not to sell 'again; and that all the good 'Towns of *England*, where 'any Goldsmiths be dwelling, 'shall be ordered according to 'this Statute as they of *London* be; and that one shall 'come from every good Town 'for all the Residue that be 'dwelling in the same, unto '*London*, to be ascertained of 'their Touch. And if any 'Goldsmith be attainted hereafter, because that he hath 'done otherwise than before 'is ordained, he shall be punished by Imprisonment, and 'by Ransom at the King's 'Pleasure. And notwithstanding all these Things before-mentioned, or any Point 'of them, both the King and 'his Council, and all they that 'were present at the making 'of this Ordinance, will and 'intend that the Right and 'Prerogative of his Crown 'shall be saved to him in all 'Things.'

No. 5. 28 Edward I. st. 3. c. 20. Repealed by 21 Jac. 1. c. 28. What Stones may be set in Gold.

The Prerogative of the Crown shall be saved.

No. 6.

9 Edward III. stat. 2. c. 1.—None shall convey Gold or Silver forth of the Realm without the King's Licence.

Cotton *MS.*

PRIMEREMENT purvieu est qe null homme desormez de religion nautre ne

'FIRST it is provided, 'That from henceforth 'no Religious Man, nor other,

No. 6. 9 Edward III. st. 2. c. 1.

		Cotton *MS.*
No. 6. 9 Edward III. st. 2. c. 1.	'shall carry any Sterling out of the Realm of *England*, nor Silver in Plate, nor Vessel of Gold, nor of Silver, upon Pain of Forfeiture of the Money, Plate, or Vessel that he shall so carry, without our especial Licence.'	porte lesterling hors du Roialme Dengl' nargent en plate ne vessel dor ne dargent sur forfaiture de la monoie plate ou vessel dor ne dargent qil portera saunz especial coungie de nous.

9 Edward III. stat. 2. c. 2.—No false Money or counterfeit Sterling shall be brought into the Realm.

No. 6. 9 Edward III. st. 2. c. 2.	'ITEM, That no false Money or counterfeit Sterling be brought into the Realm, nor elsewhere within our Power, upon Forfeiture of such Money; so always that all People, of what Realm or Dominion they be, may safely bring to the Exchanges, and to no Place else, Bullion or Silver in Plate, Vessel of Silver, and all Manner of Money of Silver, of what Value soever it be (saving false Money, and Sterling counterfeit) and there receive good and convenient Exchange.'	ITEM qe null' faux monoie ne counterfet desterling ne soit port el Roialme ne aillours en nostre pouer sur forfaiture de la monoie Issint toutz viez qe toutz gentz de qeconqe Roialme ou pouer qils soient puissent sauvement porter as lez eschaungez ou bullion & ne mye aillours argent en plate vessel dargent & toutz maners dez monoiez dargent de qeconqe value qils soient sauve faux monoie & lesterling counterfait & illoeqs resceivent bone & covenable eschaunge.

9 Edward III. stat. 2. c. 3.—No Sterling Farthing or Halfpenny shall be molten to make Vessel.

No. 6. 9 Edward III. st. 2. c. 3.	'ITEM, That no Sterling Halfpenny nor Farthing be molten for to make Vessel, or any other Thing by Goldsmiths, nor other, upon Forfeiture of the Money so molten; and that the Goldsmith, or other, which hath so molten such Money, shall be committed to Prison, there to remain till he hath yielded unto us the one half of that that he hath so molten, notwithstanding any Charter or Franchise granted or used to the contrary.'	ET qe null' esterling maili ne ferling ne soit foundue pur vessell' ne autre chose faire per orpheours nautres sur forfaiture de la monoie foundu & qe lorpheour ou autre qe lavera issint foundu soit mys a la prison' & illoeqes demurge tanqz il avera rendue a nous la moite qil avera issint foundu nient contristeant Chartre ou Fraunchise ou usee a contrarie.

9 Edward III. stat. 2. c. 4.—Black Money shall not be current in this Realm.

9 Edward III. stat. 2. c. 5. — The Reward of those that will sue against the Offenders of this Statute.

9 Edward III. stat. 2. c. 9.—Search shall be made for Money carried out, and false Money brought in.

No. 7.

17 Edward III.—Le Parliament tenus a Westm. a la Quinzeme de Pasch. du raign nostre Seignur le Roi *Edward* Tiers apres le Conquest Dys & septime.

No. 7. 17 Edward III.

ITEM accorde est de faire une Monoie des bones Esterlings en Engleterre du pois & del Alay del auncient Esterling, que avera son cours en Engleterre entre les Grandz & la Comune de la terre, & la quele ne serra portes hors du roialme d'Engleterre en nulle manere; ne pur quecunque cause que ceo soit. Et en case que les Flemings voillent faire bone monoie dargent grosses ou autres accordant en alay es bones Esterlings; que tiel monoie eit cours en Engleterre entre Merchand & Merchand & autres qui la vodroient receivre de lour bone gree; issint que nul argent soit portes hors du Roialme.

" ITEM, It is accorded to " make Money of good " Sterling in *England* of the " Weight and Allay of the " ancient Sterling; which shall " be current in *England* be- " tween the Great Men and " Commons of the Land; and " the which shall not be car- " ried out of the Realm of " *England* in any Manner, nor " for any Cause whatsoever. " And in Case that the *Flem-* " *ings* will make good Money " of Silver gross or other, ac- " cording in Allay of good " Sterling, that such Money " shall be current in *England* " between Merchant and Mer- " chant, and others; who of " their own Accord will re- " ceive the same; so that no " Silver be carried out of " the Realm.

Item est accordes & assentus, que bones gentz & loialx soient assignez es Ports de miere, & aillours, ou miester serra, de faire la serche, qe nul argent soit portes hors du Roialme en monie n'autrement forspris que les Grandz quant ils vont per dela qils peusent aver vesseals dargent pur servir lour hostels: Et que nul

" Item, it is accorded and " assented, That good and " lawful Men be assigned in " the Ports of the Sea, and " elsewhere, where Need " shall be, to make Search, " that no Silver be carried out " of the Realm in Money or " otherwise (except that the " Great Men may, when they " go out of the Realm, have

No. 7.
17 Edward III.

"Silver Vessels to serve their "Houses.) And that none be "so hardy to bring false and "ill Money into the Realm, "upon Pain of Forfeiture of "Life and Member: And to "make Exchanges with them "that shall pass the Sea, of "Gold for their good Sterling "to the Value.

"Item, It is assented and "accorded, That the said "Searchers, because they may "do their Offices more diligently and more lawfully, "shall have the third Part of "all the false Money that they "can find to be brought into "the Realm for their own Benefit: And in the same Manner they shall have the third "Part of the good Money "which they shall find upon "the Sea passing out of the "Realm: And in case they "shall be found negligent or "disobedient in making such "Searches, that their Lands "and Tenements, Goods and "Chattels shall be seised into "the King's Hands, and their "Bodies taken and detained "until they have made Fine "to the King for their Disobedience: And in case "they shall be assenting to the "bringing in of such false Money; or wittingly shall suffer Silver or Money (except "Vessels of Silver for the "Great Men when they go "out of the Kingdom to serve "in their Houses, as before "is said) to be transported "out of the Realm, they shall "have Judgement of Life and "Member."

soit cy hardy de porter fausse & malvois monoie en Roialme, sur paine de forfeiture de vie & de membre: Et a faire exchanges a ceux qi passeront la miere d'or pur lour bones Esterlings a la value.

Item assentus est et accordes que les dits Sercheours, per cause qils ferront lour offices plus diliagement & plus loialment, ils eient la tierce partie de tote la fauxe monoie, qils purront trover portee deins le Roialm a lour profit demeen: Et en mesme la manere eient la tierce partie de la bone monoie quele ilz troveront en la miere passant hors de la terre: Et en case qils soient trovez negligents ou rebealx a tieux serches faire, que lour terres & tenements, biens & chateux soient seises en la main le Roy, & lour corps pris, & detenus tanque ils eient fait fine au Roy pur lour disobeisance: Et en case quils soient assentants de porter tiels fauxe monoie, & de suffiire sachantement largent ou monoie autrement (forspris que les Grandz quant ilz vont per dela qils peusent aver vesseals dargent pur servir lour hostels come de suis est dit) estre mesnes hors du Roialm, eient judgement de vie & de membre.

No. 8.

18 Edward III. stat. 2. c. 6.—Money shall be made and Exchanges ordained where the King shall please.

No. 9.

25 Edward III. stat. 5. c. 2.—A Declaration which Offences shall be adjudged Treason.

[Inserted in the last Class.]

No. 10.

25 Edward III. stat. 5. c. 12.—No Person shall take Profit by Exchange of Gold or Silver.

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ENSEMENT accorde est & establi qe bien lise a chescun homme de chaunger or pur argent ou pur or ou argent par argent ou pur or issint qe nul homme tiegne commune eschaunge ne rien preigne de profit pur tiel eschaunge faire sur peine de forfaiture de la monoie issint chaungee forprises les chaungeours le Roi les queux preignent profit pur tiele eschaunge solonc lordinance avant faite.

'ITEM it is accorded, That 'it shall be lawful for every 'Man to exchange Gold for 'Silver, or Silver for Gold, or 'for Gold and Silver, so that 'no Man hold a common 'Exchange, nor take no profit 'for making such Exchange, 'upon Pain of forfeiture of the 'Money so exchanged; except 'the King's Exchangers, which 'take Profit of such Exchange, 'according to the Ordinance 'afore made.'

No. 10
25 Edward III.
st. 5 c. 12.
The Value, &c. to be declared by Proclamation.

No. 11.

it. 5. c. 13.—The Money of Gold or Silver now current shall not be impaired.

AUXINT acorde est & establi qe la monoie dor & dargent qore coert ne soit mie empire en pois nen alai mes au plus tost qe homme pusse trover bone voie qele soit mys en launcien estat come en esterling.

'ITEM it is accorded, That 'the Money of Gold and 'Silver which now runneth, 'shall not be impaired in 'Weight nor in Allay; but as 'soon as a good Way may be 'found, the same may be put 'in the antient State, as in the 'Sterling.'

No. 11.
25 Edward III.
st. 5. c. 13.

No. 12.

25 Edward III. stat. 5. c. 20.—Plate of Gold and Silver shall be received into the King's Mint by Weight, and not by Number; and so shall the Money be returned.

No. 12.
25 Edward III. st. 5. c. 20.

'ITEM it is accorded and 'assented, That the Moneyors, and other Wardens 'and Ministers of the Money 'shall receive Plate of Gold 'and Silver by the Weight; 'and in the same Manner shall 'deliver the Money when it 'shall be made by Weight, 'and not by Number; without 'any tarrying.'

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ENSEMENT acorde est & assentue qe les moneours & autres gardeins & ministres de la monoie receivent plat dor & dargent par pois & en meisme la manere deliverent les monoies quant eles serront faitz par pois & nemie par nombre saunz nully targer.

No. 13.

27 Edward III. stat. 2. c. 14.—Merchants may bring in Gold or Silver to the King's Exchanges, and carry out as much.

MS. Reg.

No. 13.
27 Edward III. st. 2. c. 14.

Foreign Money not to be of common Currency in the Realm; nor old Sterling to be carried out of it.

ITEM avoms ordeigne et establi, que toutz marchauntz prives et estraunges puissent savement amesner et porter deinz nous dites Roialme et terres plate dargent billettes dor et tut autre maner dor et toutz moneys dor et dargent a nostre bullione ou a nous eschaunges, que nous ferroms ordeiner a nouz ditez estaples et aillours, pernant illoeqs money de nostre coigne covenablement a la value. Et si nul voille prendre bone monoye dor et dargent dautre coigne que de nostre en paiement, le preigne saunz empechement, si que nul soit a ceo arte sil ne voil prendre de gree: purveu toutez voies, que nul monee neit comune cours deinz nostre Roialme forsque le money de nostre coigne, et que nul emporte hors de nostre Roialme veil esterlinge nautre money horspris les marchauntz estraunges, que apportent ascun money et ne voillent emploier cel money, quelez nous voilloms qils puissent le money que demura nient emploie reporter en lour pays, issint que bone serche ent soit fait en lez portez et lieux ou arrivaille est, et que tout le money que chascun estraunge marchaunt amesnera en nostre Roialme soit mys en escriptez per lez serchours, a fyn que nul naporte plus quil nemporta en nostre dit Roialme, et que nul minister per colour de tiel serche face empechement ne disturbaunce a nul estraunge marchaunt, pur luy grever, et que tout faux monoyes que serrount trovez per tiel serche deinz nostre Roialme en desceit de nostre money soit forfaitz a nous solonque les ordinauncez autre foitz ent faitez.

Proviso for Merchants Strangers.

All false Money forfeited to the King.

No. 14.

36 Edward III. stat. 1. c. 2. — No Purveyance but for the King and Queen. The Name of *Purveyor* changed into *Buyer*. Ready Payment shall be made of Things purveyed, and they shall be appraised.

No. 15.

Edward III. c. 7. — Goldsmith's Work shall be of good Sterling, and marked with his own Mark. None shall make white Vessel and also gild.

No. 16.

[illegible] c. 2. — The Value of a *Scottish* Groat shall be Three-pence.

No. 17.

[illegible] st. 1. c. 2. — None shall transport Gold or Sil[illegible] depart out of the Realm, without Licence.

[illegible] *Turr.* Lond.

No. 17. 5 Richard II. st. 1. c. 2.

ITEM [illegible] le grevouse mes-[illegible] qe le Roialme [illegible] & [illegible]ongement ad fait de [illegible] or & argent sibien en [illegible] vessell plate & joialx [illegible]trement par eschaunges fait [illegible] diverse manere est emportez hors de mesme le Roialme issint qapeine ent nest ores en effect rienz remys quele chose si plus longement fusse soeffert cherroit legierement en destruction dicell' Roialme qe Dieux ne veulle est assentuz & accordez & le Roi defende a toutes maneres des gentz marchantz clercs & autres sibien estraunges come denszeins de quelconqe estat ou condition qils soient sur paine de qanqe ils purront forfaire qe nully de eux sur la dite paine en prive ne en appert

"ITEM, For the great Mis-"chief which the Realm "suffereth, and long hath "done, for that Gold and Sil-"ver, as well in Money, Ves-"sel, Plate, and Jewels, as "otherwise by Exchanges "made in divers Manners, is "carried out of the Realm, so "that in Effect there is none "thereof left, which Thing if "it should longer be suffered, "would shortly be the De-"struction of the same Realm, "which God prohibit; 'it is 'assented, and accorded, and 'the King enjoineth all Man-'ner of People, Merchants, 'Clerks, and other, as well 'Strangers as Denizens, of 'what Estate or Condition 'they be, upon Pain of as 'much as they may forfeit,

No. 17. Richard II. st. 1. c. 2.

In what Cases and for what Causes Gold or Silver may be transported.

None shall depart without the

'that none of them upon the 'said Pain privily nor openly 'send nor carry, nor cause to 'be sent or carried out of the 'said Realm, any Gold or 'Silver in Money, Bullion, 'Plate, or Vessel, neither by 'Exchanges to be made, nor 'in other Manner, but the Wages of *Calais*, and of other the King's Fortresses beyond the Sea, and especially excepted the Prelates, Lords, and other of the same Realm, 'to whom sometimes it behoveth necessarily to make 'Payments beyond the Sea, 'that of the same Payments 'only they make Exchanges 'in *England*, by good and sufficient Merchants to pay beyond the Sea, and first special Leave and Licence had 'of the King, as well for the 'Exchanges as for the Person 'which ought to make the 'Payments, containing expressly the Sum which shall 'be so exchanged. And it is 'assented, That the Merchants that so shall make Exchanges, shall be diligently 'examined and sworn in their 'proper Persons, as often as 'they shall have the said Licence, that they shall not 'send beyond the Sea any 'Manner of Gold nor Silver 'under the Colour of the same 'Exchange. And if after Proclamation of this Ordinance 'any Person be from henceforth duly attainted, that he 'hath caused to be sent or carried beyond the Sea any 'Gold or Silver against this 'Restraint and Ordinance, he 'shall forfeit to the King the 'same Sum so carried or sent. 'And the King our Lord of 'his Royal Majesty defendeth

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envoie nameisne ou face envoier ou ameisner hors de Roialme avantdit or ou argent aucun en monoie bullion plate vessel ne par eschaunges affaires ne en autre manere quelconqe exceptes les gages de Caleys & dautres fortresses du Roi depar dela & exceptes par especial les prelatz Seignurs & autres de mesme le Roialme a les queux coviendra aucunes foitz necessairement faire paiementz depar dela qe de celles paiementz tantsoulement purront ils faire eschaunge en Engleterre par bons & suffisantz marchantz pur paier depar dela eue primerement sur ce especiale congie & licence de nostre Seignur le Roi sibien pur leschaungeours come pur la persone qi devra faire la paiement contiegnante la somme en expres qe serra issint eschaungez. Et est assentuz qe les marchantz qi ensi ferront les ditz eschaunges soient diligeaument examinez & jurez en lours propres persones a tantz des foitz come ils averont la dite licence qils nenvoieront depar dela aucune manere dor ne dargent souz colour de mesme leschaunge. Et si apres la proclamation de ceste ordinance aucune persone soit desore duement atteint qil avera fait envoier ou emporter depar dela or ou argent aucun encontre cestes defens & ordinance forface devers le Roi mesme la somme issint emportez ou envoiez. Et le Roi nostre Seignur de sa roiale majestee defende la passage oultrement a toutes maneres des gentz sibien clercs come autres en chescun port & autre ville & lieu sur la couste del meer sur paine de forfaiture de

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toutz lours biens horspris tantsoulement a les Seignurs & autres grantz persones de Roialme & verrois & notables marchantz & les soldeours le Roi. Et quelconqe persone autre qe dessuz ne sont exceptz apres la publication de ceste ordinance faite passe hors del dit Roialme sanz especial congie le Roi quele licence le Roy voet & comande qe ne soit fait desore sinoun tantsoulement en un des portz dessoutz escriptz cestassavoir Londres Sandewiz Dovor Southampton Plymmuth Dertemuth Bristuit Jernemuth Seint Bothulph Kyngeston sur Hul Noef Chastell sur Tone & les autres portz & passages vers Irlande & les Isles appertenantz al Roialme dEngleterre forface devers le Roi qanqe il ad en biens come dessus est dit & nientmeins le maistre ou mariner de la nief ou dautre vessel en quele il avera amesnez depar dela aucuns persone forsqe ceux soulement qe pardessus sont exceptz sanz la dite licence dont il soit convict duement forface devers le Roi le dit vessel. Et si comande le Roi as toutz gardeins & serchours de les portz & passages parmy Engleterre qils usent desore diligeaument lours offices & facent bone serche & estroit. Et si nully sercheour ou gardein des portz & passages parmy le dit Roialme par negligence ou en autre manere face ou soeffre seintement estre fait en aucun point le contraire de les ditz deux articles touchantz la monoie or ou argent & le dit passage des gentz & de ce il soit convict duement forface devers le Roy son dit office & toutz ses biens avesqe & soit son

No. 17. 5 Richard II. st. 1. c. 2.

King's Licence. Repealed by 4 Jac. 2. c. 1. § 22 as to the Restraint of the Persons going beyond Sea.

'the Passage utterly of all 'Manner of People, as well 'Clerks as other, in every 'Port and other Town and 'Place upon the Coast of the 'Sea, upon Pain of Forfeiture 'of all their Goods, except 'only the Lords and other 'Great Men of the Realm, 'and true and notable Merchants, and the King's Soldiers. And every Person, 'other than is before excepted, which after Publication 'of this Ordinance made, shall 'pass out of the said Realm 'without the King's special 'Licence (which Licence the 'King willeth and commandeth that it be not from henceforth made, but only in one 'of the Ports underwritten, 'that is to say, *London, Sandwich, Dover, Southampton, Plimouth, Dertmouth, Bristow, Yarmouth, St. Botolph, Kingston* upon *Hull, Newcastle* upon *Tine*, and the 'other Ports and Passages towards *Ireland*, and the Isles 'pertaining to the Realm of '*England*) shall forfeit to the 'King as much as he hath in 'Goods, as above is said; and 'nevertheless, the Master or 'Mariner of the Ship, or of 'other Vessel, in which he 'shall carry over beyond the 'Sea any Person but such only 'as be before excepted, without the said Licence, and 'thereof be convict duly, shall 'forfeit the said Vessel to the 'King. And the King commandeth all Wardens and 'Searchers of the Ports and 'Passages through *England*, 'that they shall from henceforth diligently use their Office, 'and make good and straight 'Search. And if any Sear-

The Penalty of the Master or Mariner of the Ship offending.

No. 17. 5 Richard II. st. 1. c. 2. The Penalty of Searchers or Wardens of Ports offending.

'chers or Wardens of the 'Ports and Passages through 'the said Realm, by Negligence or in other Manner do 'or suffer wittingly to be done 'in any Point the contrary of 'the said two Articles touching the Money of Gold or 'Silver, and the said Passages 'of People, and thereof be 'duly convict, he shall forfeit 'to the King his said Office 'and all his Goods, and his 'Body shall be committed to 'Prison, there to abide an 'whole Year without Redemption. And thereupon 'whosoever espieth, and proveth duly, that any Thing be 'done against the Intent of 'the said two last Articles, 'whereby the said Forfeiture 'ought to fall upon any Person, he shall have half of the 'same Forfeiture for his Labour of the King's Gift.'

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corps commis a la prisone a y demorer par un an entier sanz redemption. Et sur ce qelconqe persone qi espiera & provera duement qe rienz soit fait contre lentention des ditz deux derrains articles par ont la dite forfaiture devra eschere daucune persone eit il la moitee dicell forfaiture pur son travaill del doun le Roi.

No. 18.

14 Richard II. c. 12.—The Value of *Scottish* Money of several Sorts.

No. 18. 14 Richard II. c. 12.

ITEM qe la grote de la monoye dEscoce courge en value tantsoulement de deux deniers Engleys & la dimy grote dEscoce en value dun denier Engleys & le denier dEscoce en value dun maill Engleis et le maill dEscoce en value dun ferthyng Engleys et si la monoye dEscoce soit empeire qe la value ent soit abregge solonc lafferant. Et qe commissions soit faitz parmy le Roialme denquerre de ceux quont porte ou envoie la monoie dEngleterre en Escoce pur y faire bullion ou monoie dEscoce en prejudice et damage du Roi et du Roialme.

No. 19.

17 Richard II. c. 1. — There shall be no melting of Money to make any thing thereof. Foreign Money shall not be current.

No. 19. 17 Richard II. c. 1.

"FIRST, Where it was "ordained by the noble "King *Edward*, Grandfather

PRIMEREMENT qe come ordeigne fuist par le noble Roi *Edward* Aiel nostre

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Seignur le Roi lan de son regne disme qe null esterlyng mail ne ferlyng soit foundu pur vessel nautre chose ent affaire par orfevre nautres sur peine de forfaiture de monoie foundu et emprisonement del foundour tanqil avera renduz au Roi la moite de ceo qil avera issint foundu Nientcontresteant chartre ou franchise grantez ou usez a contraire accordez est et assentuz qe la dite ordinance soit fermement tenuz et gardez. Et enoutre est ordenez et assentuz qe nul grote ne dimy grote soit foundu par nully pur vessel nautre chose ent affaire sur mesme la peine. Et qe nul monoie dore ne dargent dEscoce ne des autres terres dela la meer courge en nul manere paiement deinz le Roialme dEngleterre mais soit portez a la bullion pur y estre tournez en la coigne dEngleterre sur peine de forfaiture dicelle et demprisonement et fyn et raunceon de cely qi face le contraire et qe nul porte nenvoie ascune monoie dEngleterre en Escoce pur le chaunger en monoie ou pur monoie Escoce sur la peine proscheine avauntdite.

" to our Lord the King, the " tenth Year of his Reign, " That no Sterling, Half-" peny, nor Farthing, shall " be molten for Vessel, nor " other Thing thereof to be " made by the Goldsmith, nor " others, upon Pain of For-" feiture of the Money so mol-" ten, and Imprisonment of " the Founder, till he have " yielded to the King the half " of that which he hath so " molten, notwithstanding any " Charter or Franchise grant-" ed or used to the contrary;" ' it is accorded and assented, ' That the said Ordinance ' shall be firmly holden and ' kept. And moreover it is ' ordained and assented, That ' no Groat nor half Groat ' shall be molten by any Man ' to make Vessel, or other ' Thing thereof, upon the ' same Pain. And that no ' Gold nor Silver of *Scotland*, ' nor of other Lands beyond ' the Sea, shall run in any ' manner of Payment within the ' Realm of *England*, but shall ' be brought to the Bullion, ' there to be molten in the Coin ' of *England*, upon Pain of For-' feiture of the same, and of ' Imprisonment, Fine, and ' Ransom of him which doth ' contrary; and that no Man ' shall send any *English* Mo-' ney into *Scotland* to change ' the same in Money, or for ' *Scottish* Money, upon the ' Pain next aforesaid.'

No. 19.
17 Richard II. c. 1.
9 Ed. 3. st. 2. c. 3.
No Sterling Money shall be melted for Vessel;
nor Groat nor half Groat.
No foreign Coin shall be current in England;
nor Exchange made of English Money for Scottish Money.

No. 20.

2 Henry IV. c. 5.—He that carrieth Gold or Silver out of the Realm shall confess so much.

No. 20. 2 Henry IV, c. 5. 5 R. 2, st. 1. c. 2.

"ITEM, Whereas in the " Statute made at *Westminster* in the fifth Year of the " said King *Richard*, amongst " other Things it is contained, " how it was assented, accorded, and enjoined by the said " late King to all Manner of People, Merchants, Clerks, and others, as well Strangers as Denizens, of whatsoever Estate or Condition " they should be, upon Pain of " as much as they might forfeit, that none of them, upon the said Pain, privily nor " openly should send or carry, " nor cause to be sent or carried, out of the said Realm " of *England*, any Gold or Silver in Money, Bullion, Plate, " Vessel, nor by Exchange to " be made, except the Wages " of *Calais*, and other the " King's Fortresses beyond " the Sea, saving certain Prelates, Lords, and others comprized in the same Statute, " without special Leave, and " Licence thereupon first had, " as by the same Statute may " more fully appear:" 'our ' Lord the King, for to prevent ' the Subtilty of them that will ' do Fraud or Deceit to him in ' this Behalf, hath ordained and ' stablished, That if from henceforth any Searcher of the King ' may find Gold or Silver in ' Coin, or in Mass, in the keeping of any that is passing, or ' upon his Passage, in any ' Ship or Vessel to go out of any ' Port, Haven, or Creek of the ' Realm, without the King's ' special Licence, all that Gold

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ITEM come en lestatut fait a Westm' lan quint le dit Roi *Richard* entre autres choses soit contenuz coment assentuz estoit accordez & defenduz depar le dit nadgairs Roy as toutz maneres des gentz merchantz clercs et autres sibien estranges come deinzeins de quelconque estat ou condition qils serroient sur peine de quant qils purroient forfaire qe nully de eux sur la dite peine en privee nen appert envoieroit namesneroit ou ferroit envoier ou amesner hors du Roialme dEngleterre aucun or ou argent en monoie bollion plate vessel ne par eschange affaire exceptz les gages de Caleys et des autres forteresses du Roi depar de la et exceptz par especial Prelats Seignurs et autres comprises en mesme lestatut eue sur ce primerement especiale co[illegible] et licence du Roy come p[illegible] cell estatut y purra plus pleinement apparoir Nostre Seignur le Roy pur obvier a la subtilite deceux qi verront faire fraude ou deceit au luy celle partie ad ordeignez et establiz qe si desore enavant aucun sercheour du Roy purra trover or ou argent en coyne ou en masse en la garde daucuny qi sont en passant ou sur son passage en aucune nief ou vessell pur aler hors daucun port havene ou crike du Roialme saunz especiale congee du Roy tout cel or ou argent soit forfaitz au Roy forspris ses resonables despenses queux il serra tenuz de confesser et discoverir mainte-

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nant apres qe a ce faire il soit garniz et chargez par mesme le sercheour ou autrement tout celle monoie ensi concelee soit forfaite au Roy Purveu toutes voies qe les marchantz estrangez qi vendent leur marchandises deinz le Roialme et la moite du monoie dEngleterre receu pur mesmes les marchandises emploient sur autres marchandises du Roialme puissent franchement apporter hors dicell lautre moite de la dite monoie par congee du Roy solonc lestatut ent fait.

or Silver shall be forfeit to the King, saving his reasonable 'Expences, which he shall be bound to confess and discover presently after that he is warned and charged so to do by the same Searcher, or else all the said Money so concealed shall be forfeit to the King. Provided always, That 'the Merchants Strangers that 'that do sell their Merchan- 'dise within the Realm of '*England*, and the one half of 'the Money of *England* re- 'ceived for the same Mer- 'chandises do imploy upon 'other Merchandises of the 'Realm, may freely carry out 'from the same, the other half 'of the said Money by the 'King's Licence, according to 'the Statute thereof made.'

No. 20. 2 Henry IV. c. 5.

Merchants Strangers may carry half their Money forth of the Realm.

No. 21.

2 Henry IV. c. 6.—The Money of *Scotland* and of other Countries beyond the Sea, shall be voided out of *England*, or put to coin before *Christmas*.

No. 21. 2 Henry IV. c. 6.

IT[illegible] pur la grant deceit qe y ad en la monoie dor et dargent de Flanders et dEscoce qi courge communement es paiementz faitz es diverses parties du Roialme a grant damage du Roy et du poeple ordeignez est et assentuz qe toute la monoie dor et dargent de la coigne de Flandres et de toutz autres terres et paix par dela et auxi de la terre dEscoce soit voidez hors du Roialme dEngleterre ou mys a coigne a la bullion deinz mesme le Roialme parentre cy et le fest de Noel proschein advenir sur peine de forfaiture dicell. Et qe toutz les marchantz et autres a Caleys qi receivent aucun tiel or ou argent de la coigne de Flandres ou des autres terres ou paiis depar dela ou de la terre dEscoce le mettent a bullion a Caleys sanz lapporter en coigne deinz le Roialme dEngleterre. Et si les marchantz ou autres desore enavant portent aucune tiele monoie deinz le Roialme qils forfacent mesme la monoie au Roy. Et outre ce accordez est qe bone et covenable serche soit fait sibien a Caleys come decea le meer en chescun porte et aillours sur lapporte del monoie avantdite.

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nant apres qe a ce faire il soit garniz et chargez par mesme le sercheour ou autrement tout celle monoie ensi concelee soit forfaite au Roy Purveu toutes voies qe les marchantz estrangez qi vendent leur marchandises deinz le Roialme et la moite du monoie dEngleterre receu par mesmes les marchandises emploient sur autres marchandises du Roialme puissent franchement apporter hors dicell lautre moite de la dite monoie par congee du Roy solone lestatut ent fait.

'or Silver shall be forfeit to the 'King, saving his reasonable 'Expences, which he shall be 'bound to confess and discover presently after that he is 'warned and charged so to do 'by the same Searcher, or else 'all the said Money so concealed shall be forfeit to the 'King. Provided always, That 'the Merchants Strangers that 'that do sell their Merchandise within the Realm of '*England*, and the one half of 'the Money of *England* received for the same Merchandises do imploy upon 'other Merchandises of the 'Realm, may freely carry out 'from the same, the other half 'of the said Money by the 'King's Licence, according to 'the Statute thereof made.'

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No. 22.

4 Henry IV. c. 10.—The third Part of the Silver brought to the Bullion, shall be coined in Half-pence and Farthings.

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No. 22. 4 Henry IV. c. 10.

ITEM pur la grande escarcetee qy ad au present deinz le Roialme dEngleterre des mayles et ferlinges dargent ordeignez est et establiz qe la tierce partie de tout la monoie dargent qe serra porte a la boillion soit faite es mayles et ferlynges et qe de celle tierce partie lune moietee soit faite es mayles et lautre moitee es ferlynges Et a ce faire et parfornir soit le coignour jurrez en especiale et qe nul orfeure ne autre persone quelconqe face foundir aucuns tielx mayles ou ferlynges sur peine de paier au Roy la quatreble de ce qensi serra foundu encontre la forme de cest estatut.

No. 23.

4 Henry IV. c. 16.—No Person shall carry Gold or Silver out of the Realm without the King's Licence.

No. 24.

5 Henry IV. c. 9.—Merchants Aliens shall imploy their Monies upon the Commodities of this Realm.

No. 24. 5 Henry IV. c. 9.

"ITEM, For the better "keeping of Gold and "Silver within the Realm of "*England*, and for the Increase of the Commodities "of the said Realm," 'it 'is ordained and established, 'That the Statutes thereof 'made at the last Parliament, 'shall be continued and kept, 'and put in due Execution; 'joined to the same, That the 'Customers and Controllers of our Lord the King, in all the 'Ports of *England*, shall take 'sufficient Sureties for all Manner of Merchandises brought 'by the Merchants Aliens and 'Strangers, coming and repairing to the said Ports, to 'the Intent that the Money 'taken for the said Merchan-

ITEM pur meultz garder or et argent deinz le Roialme dEngleterre et pur lencreece de les commoditees du dit Roialme ordeignez est & establiz qe les estatutz ent faitz au darrein parlement soient tenuz & gardez & mys en due execution ajoustant a yceles qe les custumers & countrerollours nostre Seignur le Roi es toutz les portz dEngleterre preignent sufficiente seurte par toutz maners de merchandises amesnez par les marchantz aliens & estranges venantz & repairantz ez ditz portz au fyn qe la monoie prise par les ditz merchandises serra emploiez sur les commoditees du Roialme sauvant lour custages raisonables come en le dit

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estatut est contenuz plus au plein. Et outre ceo ordeignez est & establiz qe les ditz marchantz aliens & estraunges vendent lour ditz merchandises ensy apportez deinz le dit Roialme deinz un quartere dun an prochein apres leur venue en ycell & auxi qe la monoie qe serra deliverez par eschaunge en Engleterre soit emplojez sur commoditees de mesme le Roialme deinz icell Roialme sur peyne de forfaiture dicelle monoie. Et qe null marchant alien nestrange vende [illegible] null manere de merchandi[illegible] [illegible] autre marchant alien ou estrange sur peyne de forfaiture [illegible] la marchandise. Et [illegible]rdeignez est & establiz [illegible] chescun citee ville & port [illegible] meer dEngleterre ou les ditz marchantz alie[illegible] & estranges sont ou serr[illegible] [illegible]re[illegible]pairantz soient assignez a [illegible] mesmes les marchantz suffi[illegible]antz hostes par le meires viscontz ou baillifs de ditz citees villes & portz du meer & qe les ditz marchantz aliens & estranges ne soient demurrantz [illegible] autre lieu sinon ovesqe les ditz hostes ensy a assigners & qe mesmes les hostes ensi assignez preignent pur lour travaill en manere come feust accustumez en auncien temps.

No. 24. 5 Henry IV. c. 9.

'dise shall be imployed upon 'the Commodities of the 'Realm, saving their reasonable Costs, as in the same 'Statute more fully is contained. And moreover it is 'ordained and established, 'that the said Merchants 'Aliens and Strangers shall 'sell their said Merchandises 'so brought within the said 'Realm, within a Quarter of 'a Year next after their coming into the same; and also 'that the Money, which shall 'be delivered by Exchange in '*England*, be imployed upon 'the Commodities of the 'Realm, [illegible]ithin the same 'Realm, upon Pain of Forfeiture of the same Money. 'And that [illegible] Merchant Alien 'nor Stranger sell any Manner of Merchandise to any 'other Merchant Alien or 'Stranger, upon Pain of Forfeiture of the [illegible] Merchandise. And [illegible] it is ordained and established. That in 'every City, Town, and Port 'of the S[illegible] in *England*, where 'the said Merchants Aliens or 'Strangers be, or shall be repairing, sufficient Hosts shall 'be assigned to the same Merchants, by the Mayor, Sheriffs, or Bailiffs of the said 'Cities, Town, and Ports of 'the Sea; and that the said 'Merchants Aliens and Strangers shall dwell in no other 'Place, but with their said 'Hosts so to be assigned; and 'that the same Hosts so to be 'assigned, shall take for their 'Travel in the Manner as was 'accustomed in old Time.'

Within what Time Merchants Aliens shall sell their Merchandise.

One Alien shall sell no Merchandise to another Alien. Hosts shall be appointed to Merchants Aliens.

No. 25.

9 Henry IV. c. 8.—The carrying of Money out of the Realm to the Court of *Rome* prohibited; and all Statutes against Provisions, and Translation of Archbishopricks, &c. confirmed.

No. 26.

11 Henry IV. c. 5.—Gally Half-pence shall not be current in Payment in this Realm.

No. 27.

11 Henry IV. c. 8.—The Lord Chancellor shall send the Estreats of Exchanges taken of Merchants into the Exchequer every fifteen Days.

No. 28.

13 Henry IV. c. 6.—No Gally Half pence or foreign Money shall be current within this Realm.

No. 29.

2 Henry V. stat. 2. c. 4.—There shall be no gilding of Silver Ware, but of the Allay of *English* Sterling.

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No. 29. 2 Henry V. st. 2. c. 4.

ITEM, For that the Goldsmiths of *England*, of "their Covin and Ordinances, "will not sell the Wares of "their Mystery gilt, but at the "double Price of the Weight "of the Silver of the same, "which seemeth to the King "very outrageous and too ex-"cessive a Price;" 'the King 'for the Ease of his People, 'willing to remedy the same, 'hath ordained and establish-'ed, That all the Goldsmiths 'of *England* shall gild no Sil-'ver worse than of the Allay 'of the *English* Sterling, and

ITEM pur ceo qe les orfeours dEngleterre de lour commune covyn & ordinance ne voillent my vendre les choses de lour mistier endorrez sinon a double pris de le pois dargent dicelles le quell semble a Roy trop outrageous & trop excessive pris le Roy par laise de son poeple voillant ceo remedier ad ordeine & establie qe toutz les orfeours dEngleterre suisorrent null argent pier qe del allaie desterling Englois & qils priegnent pur la libre de Troy orre xlvjs. viijd. a pluis et de grein-

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dre pois & de meindre selonc la quantite & lafferante de mesme la somme & qe ceo qe serra par eux suisorre desore enavaunt soit de resonable pois & non pas excessive & si nul orfeour face le contraire forfeira a Roy la value de la chose vendue.

'that they take for a Pound of 'Troy gilt but forty-six Shil-'lings eight Pence at the most, 'and of a greater Weight, and 'less, according to the Quan-'tity and Rate of the same 'Sum; and that which shall 'be by them gilt from hence-'forth shall be of reasonable 'Price, and not excessive; 'and if any Goldsmith do con-'trary to this Statute, he shall 'forfeit to the King the Value 'of the Thing so sold.'

No. 29. 2 Henry V. st. 2. c. 4. The Pound *Troy* of Silver gilt shall be sold for 46s. 8d.

No. 30.

3 Henry V. st. 1.—It shall be Felony to Import or offer in Payment any Sort of Money forbidden by former Statutes.

No. 31.

3 Henry V. stat. 2. c. 6. — It shall be Treason to clip, wash, or file Money.

ITEM pur ceo qe devaunt ces heures grande doute & awereuste ad este le quell la tonsure loture & fylyng de la moneie de la terre duissent estre adjuggez treson ou nient a cause qe null mention ent est fait en la declaration des articles de traison faitz en le parlement tenu lan vingt & quint del noble Roi *Edward* besaiel a nostre dit tressouverain Seignur le Roi mesme nostre Seignur le Roi voillant ouster tiele doute & le mettre en certein ad declaree en cest present parlement qe tieux tonsure loture & filer soient adjuggez pur traison & qe ceux qi tondent lavent & filent la moneie de la terre soient adjuggez traitours a Roi & a le

"ITEM, Because that be-"fore this Time great "Doubt and Ambiguity "hath been, whether that "Clipping, Washing, and "Filing of the Money of the "Land, ought to be judged "Treason, or not, forasmuch "as no Mention thereof is "made in the Declaration of "the Articles of Treason made "in the Parliament holden the "Twenty-fifth Year of King "*Edward* the third, Great "Grandfather to our Sove-"reign Lord;" 'the same our 'Lord the King, willing to 'decide such Doubt, and to 'put the same in a Certainty, 'hath declared in this present 'Parliament, that such Clip-'ping, Washing, and Filing,

No. 31. 3 Henry V. st. 2. c. 6.

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No. 31. 3 Henry V. st. 2. c. 6. Repealed by 1 Mar. sess. 1. c. 1. and revived by 5 El. c. 11.

'shall be adjudged for Treason, and they which so do clip wash, and file the Money of the Land, shall be judged Traitors to the King and to the Realm, and shall incur the Pain of Treason.'

Roialme & encourgent la peine du traison.

No. 32.

3 Henry V. stat. 2. c. 7.—What Justices shall have Authority to hear and determine the Offences of falsifying of Money.

No. 32. 3 Henry V. st. 2. c. 7.

"ITEM, Because counterfeiting, clipping, washing, and other Falsity of Money of the Land, is much more used, and daily doth more abound than it was wont, for that the Punishment of the same pertaineth not to any Judges of the Realm, but to the King's Justices before himself, or by special Commissions thereto assigned, and it is very likely there will be Destruction of the Money, unless hasty Execution and Remedy be provided, as the King by the grievous Complaint of the Commons hath perceived;" 'our said Lord the King, willing to remedy the same, hath ordained and established, That the King's Justices assigned to take Assises in all the Counties of *England* shall have Power, by the King's Commissions to hear and determine, in their Sessions, as well of the counterfeiting, and of the bringing of such false Money into the Realm, as of clipping, washing, and every other Falsity of the said Money; and that the Justices of Peace through the Realm

ITEM pur ceo qe contrefaiture tonsure & loture & autre faxine de la moneie de la terre est le pluis usee & pluis se habunde de jour en autre qe ne soleit a cause qe le punissement dicelles nappertient a ascun juge du Roialme sinoun as Justices du Roi devaunt luy mesmes ou devaunt Justices par especialx commissions a ceo assignez a verraisemblable destruction de la dite moneie sinon qe pluis hastive execution & remedie soit ordeigne come le Roi a le grevous compleint des ditz communes ad conceu Mesme nostre Seignur le Roy voillant ceo remedier Si ad ordeigne & establie qe les Justices du Roi as assises prendre assignez & assigners en toutz les countees dEngleterre eient poair par commission le Roi doier & terminer en lour sessions sibien de contrefaiture & de lapporte de tieux fauxe moneie en Engleterre come de tonsure loture & chescune autre fauxine du dite moneie. Et qe les justices de la pees parmy le Roialme eient poair par commission le Roi denquerer de toutz tieux maters & sur ceo faire proces par capias

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tantsoulement vers ceux qi devaunt eux serront ent enditez.

'shall have Power by the 'King's Commissions to in- 'quire of all such Matters, and 'thereupon to make Process by '*Capias* only against those 'which before them shall be 'thereof indicted.'

No. 32. 3 Henry V.

No. 33.

Henry V. c. 2.—Certain Gold or Silver shall be brought to the Mint instead of Wooll or Tin transported.

No. 34.

Henry V. c. 3—What Things only may be gilded, and what laid on with Silver.

ITEM qe nulle persone enorre en temps avenir ascuns des gemes appelles shethes ne metaille sinon argent et les ornaments de seint esglise ne argente null metaille forspris les esperons des chivalers & tout lapparaille qe appertient au baron & desuis celle estate sur peine de forfaire au Roy dys foitz a tant come la chose issint enorree soit de value, et avera auxi lemprisonement dun an. Et eient Justices de la pees poair dent enquerrer & ceo terminer et celuy qui ferra la suit pur le Roy cest partie ait la terce partie de la dit peine pecuniere.

Purveu qe cest darrain ordeinance commencer a tenir lieu a la fest de Pask proschein avenir.

'ITEM, That none from 'henceforth shall gild any 'Sheaths, nor Metal, but Sil- 'ver, and the Ornaments of 'holy Church; nor shall silver 'no Metal but Knights' Spurs, 'and all the Apparel that per- 'taineth to a Baron, and above 'that Estate: upon Pain of For- 'feiture to the King ten Times 'as much as the Thing so gilt 'is of Value, and shall have 'also one Year's Imprisonment. 'And the Justices of Peace 'shall have Power to inquire 'thereof, and that to deter- 'mine. And he that will sue 'for the King in this Behalf, 'shall have the third Part of 'the said pecuniary Pain.

'II. Provided that this 'last Ordinance shall begin to 'hold Place at the Feast of '*Easter* next coming.

No. 34. 8 Henry V.

No. 35.

9 Henry V. st. 1. c. 11.—No *English* Gold shall be received in Payment but by the King's Weight.

No. 35.
9 Henry V. c. 11.

"ITEM, to avoid the Deceits and Perils which "long have continued within "the Realm by Washers, Clippers, and Counterfeiters of "the Money of the Realm of "*England*, to the great Loss "and Damage of all the People of the same Realm;" 'the King, by the Advice and 'Assent of all the Lords and 'Commons assembled in this 'Parliament, hath ordained 'and stablished, That from '*Christmas* Even next coming, 'none of the King's liege People shall receive any Money 'of *English* Gold in Payment, 'but by the King's Weight 'thereupon ordained.' "*And* "*because a great Part of the* "*Gold now current in Payment is not of rightful* "*Weight nor of good Allay;*" 'the same shall be sent to the 'Coine, to the Intent that it 'shall be newly coined of just 'Weight and of good Allay;' "*and because that shall be to* "*the great Loss and Costs of* "*the King's Subjects, unless it* "*please him to relieve them* "*in this Case;*" 'our Sovereign Lord the King, of his 'special Grace, hath remised 'and pardoned to all his liege 'People, which betwixt this 'and the said Feast of *Christmas* shall cause to be coined 'of new at the King's Coinage 'within the Tower of *London*, 'their Money of Gold that is 'not of just Weight nor of 'good Allay, that is to say, all 'that to him pertaineth for this 'new Coinage of such Gold as 'afore; saving always to the

These Lines in the *Italick* Letter are omitted in the several Editions of the Statutes published by *Pulton*, *Keble*, &c. but are in *Ras*-

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ITEM pur ouster periles et deceites queux longement ont contenus dedeinz le Roialme parmy les lavours tonsours et controfaitours de la moneie d'Engleterre a tresgraundes meschiefs et damages a toutz gents de mesme le Roialme le Roy par advis et assent de toutz les Seignurs et communes assembles en cest parlement ad ordeinez et estables qe de la veille del feste de Novel prochein avenir enavaunt null liege du Roy receivera ascune moneie dor Engleis en paiment sinon par le pois du Roy sur ceo ordeines. Et pur tant qe graunde partie del or de present currant en paiement nest mye de droiturell pois ne de bone allai y faute ceo remettre a le cune au fyne qil poet estre novelment cunez de joust pois et bone alleie et ceo ferra estre a graunde perde et costages des subgitz du Roy, sil ne suy plest eux relever en ceo cas si ad le Roy de sa grace especiale remis et pardonee a toutz sez liges qi parentre cy et le dit feste de Novell ferront cuner de novel a le cunage du Roi dedeinz le Toure de Loundres lour monoie dor qe soit de joust pois ne de bone allaie cestassavoir tout ceo qi a luy appertient pur cell novell cunage de tiel ore come desuis Salvez a le mestre del mynte et as autres officers dicelle ceo qi a eux appartient resonablement.

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'Master of the Mint, and to 'other Officers of the same, 'that which to them reasonaably pertaineth.' No. 35. 9 Henry V. st. 1. c. 11.

No. 36.

9 Henry V. stat. 2. c. 1.—A Confirmation of all Statutes made touching Money.

9 Henry V. stat. 2. c. 2.—All Men may resort to the King's Exchanges, or to the *Tower*, to have Money new coined.

9 Henry V. stat. 2. c. 3.—At the King's Exchanges good Money shall be delivered to the Parties, or else he that doth receive it may refuse it.

9 Henry V. stat. 2. c. 4.—The Officers of the Exchanges shall bring to the *Tower* all the Gold or Silver which they buy or exchange.

9 Henry V. stat. 2. c. 5.—The Mint shall be at *Calais*.

9 Henry V. stat. 2. c. 6.—The Allay and Weight of Money.

9 Henry V. stat. 2. c. 7.—The Weight of Gold shall be sent to every City.

No. 37.

1 Henry VI. c. 1.—The King's Council may assign Money to be coined in as many Places as they will.

EN primes ordeines est pur le profit du Roy & laise de son poeple qe les Seignurs de le counsell du Roy pur le temps esteantz purront assigner par auctorite du dit parlement mestres & operers a faire monoie dor & dargent & a tenir les eschaunges de moneie sibien en la citee dEverwik come en la ville de Bristuit & auxi es tants des lieux come semblera as ditz Seignurs bone

"FIRST, It is ordained "and established, for the "Profit of the King, and the "Ease of his People, That the "Lords of the King's Council "for the time being may "assign, by Authority of the "said Parliament, Masters "and Workmen to make Mo-"ney of Gold and Silver, to "hold the Exchanges of Mo-"ney as well in the City of "*York* as in the Town of *Bris-*

No. 37. 1 Henry VI.

No. 37.
1 Henry VI.
c. 1.

'*tol*, and also in as many Places as to the said Lords "shall seem necessary, according to their good Advice "and Discretion, any Statute "or Ordinance made to the "contrary notwithstanding."

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& necessarie solone lour bons advis & discretions ascun estatute ou ordinance fait au contrarie non obstant.

No. 38.

1 Henry VI. c. 4.—The Master of the Mint shall send to the Mint to be coined all the Gold and Silver that shall come to his Hands by Exchange.

No. 39.

Henry VI. c. 6.—For what Causes only Gold or Silver may be carried out of the Realm.

No. 39.
2 Henry VI.
c. 6.

A Confirmation of the Statute of 9 H 5 c. 7. that the Mint shall be at *Calais*.

"ITEM, Whereas by King "*Henry* the Fifth, Father 'to our Lord the King that 'now is, it was ordained, 'That a Mint of Gold and 'Silver should be holden with-'in the Town of *Calais*, 'whereby great Substance of 'Money of Gold and Silver 'hath been brought within 'the Realm, which Money by 'divers Persons hath been, 'and is daily, carried out of 'the same to *Burdeaux*, *Flanders*, and other Places a-'gainst the Statute in old 'Times made and provided 'in this Behalf, as hath been 'grievously complained in 'this Parliament;" 'it is ordained and assented, That the same Statute be holden and kept, and put in due Execution. And moreover it is ordained and established, That no Gold nor Silver shall be carried out of the Realm contrary to the said Statute, unless it be for Payment of Wars, and the King's Sol-

No Gold or Silver shall be carried forth of the Realm, but for the Causes herein excepted.

ITEM come par le Roy *Henry* le quint pie a nostre Seignur le Roy qorest estoit ordeignez qe un mynt dor & dargent serroit tenuz dedeins la ville de Caleys par la quell graunde substaunce de monoie dor & dargent ad este apportez deinz le Roialme la quelle monoie par diverses persones ad este & est de jour en autre asportez hors dicell a Burdeaux & Flaundres & aillours encontre lestatut fait & purveux celle partie dauncienc temps come de ceo ad estee grevousement compleint en cest parlement Ordinez est & assentuz qe mesme lestatut soit tenuz & gardez & mys en due execution. Et en outre ordinez est & establez qe null or ou argent soit asportez hors du Roialme au contrarie du dit estatut sil ne soit pur paiement des guerres & soudiours du Roy de pardela sur paine de forfaiture de la value de la somme del monoie qensi soit apportez hors de Roialme destre levee

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de celuy qi la mesnera asportera ou envoiera hors dicell et qe celluy qi lespiera & ferra ent notice au conseill ou au Tresorer dEngleterre avera la quart partie de la forsaiture ensy duez au Roy forspris les raunceons pur finaunce des prisoners Englois prisez & apprendres de pardela & la monoie qe les soudeours emporteraunt ovec eux pur lour resonables costages & auxi pur chivalx boefs berbeis & autres choses acchatez en Escoce apporterez ou amesnerez as parties adjoinantz issint qe la monoie a envoier pur finance des ditz prisoners ou a emporter par les ditz soudeours as parties de pardela ne soit fait sanz especiale licence du Roy. Et pur ceo qil est supposez qe la monoie & lor du Roialme est asportez hors dicell par marchauntz aliens ordeinez est & establiz qe les merchantz aliens trovent seurtee en la Chauncerie chescune compaignie pur ceux de sa compaigne qe null deux namesnera hors du Roialme null or nargent contre la forme du dit estatut sur la peine de forsaiture dicell or ou argent ou de la value dicell & si ascun de eux face la contrarie & ceo duement provez & celuy ensy fesaunt soit alez outre le meer adonqes les plegges de la compaigne paierount au Roy la forsaiture suisdite dons celly qi lavera espiez & le done a conustre au Tresorer ou a conseill du Roy avera la quart partie come desuis.

No. 39. 2 Henry VI. c. 6.

'diers beyond the Sea, upon 'Pain of Forfeiture of the 'Value of the Sum of Money 'so carried out of the Realm, 'to be levied of him that shall 'bring, carry, or send it out 'of the same Realm: and that 'he which espieth it, and 'thereof giveth Knowledge to 'the Council, or to the Treasurer of *England*, shall have 'the fourth Part of the Forfeiture so due to the King, except the Ransoms for Fines 'of *English* Prisoners taken 'and to be taken beyond the 'Sea, and the Money that the 'Soldiers shall carry with them 'for their reasonable Costs, 'and also for Horses, Oxen, 'Sheep, and other Things 'bought in *Scotland*, to be 'sent and carried to the Parties adjoining; so that the 'Money to be sent for the 'Fines of the said Prisoners, 'or to be carried by the said 'Soldiers to the Parties beyond the Sea, be not done 'without the King's special 'Licence. And because it 'is supposed that the Money 'of Gold of the Realm is carried out of the same by Merchants Aliens, it is ordained 'and stablished, That the 'Merchants Aliens shall find 'Surety in the Chancery, 'every Company for them of 'their Company, that none of 'them shall carry out of the 'Realm any Gold or Silver 'against the Form of the said 'Statute, upon Pain of Forfeiture of the same Gold or 'Silver, or the Value of the 'same; and if any of them do 'to the contrary, and that duly 'proved, and he so doing be 'gone over the Sea, then the 'Pledges of his Company shall

Merchants Aliens shall be bound to carry no Gold out of the Realm.

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No. 39. 2 Henry VI. c. 6.

'pay to the King the said Forfeiture, whereof he that shall espy it, and thereof give Notice to the Treasurer, or to the King's Council, shall have the fourth Part as is aforesaid.'

No. 40.

2 Henry VI. c. 9.—The Money called *Blanks* shall be wholly put out.

No. 41.

2 Henry VI. c. 12.—The Office and Duty of the King's Assayer, Controllor, and Master of the Mint.

No. 41. 2 Henry VI. c. 12.

The Master of the Mint shall keep his Allay in making of white Money.

'ITEM, To the Intent that the more Bullion may be brought to the Mint, and the greater Plenty of white Money be made and current within the Realm, for the Ease and Profit of the Commonalty of the same, it is ordained and stablished, That the Master of the Mint shall keep his Allay in the making of white Money according to the Form of his Indenture; and that the same Master receive of every Person, that shall bring any Silver to the Mint, the same Money at the true Value as it is worth according to the same Allay, upon Pain to pay to the Party his double Damages. And also to the Intent that this Ordinance may the better and more justly be observed, it is ordained, That the King's Assayer, which is a Person indifferent betwixt the Master of the Mint and the Merchant, and also the Controller of the

ITEM a lentent qe le pluis greindre bullion puisse estre apporte a le mynte & le grendre plente de blank Money estre faitz & current deinz le Roialme pur le aise & profit du communalte dicelle ordeinez est & establiz qe le maistre del mynt garde son allaie en la fesance de la blank monoie solonc la forme de sa endenture & qe mesme le meister resceive de chescun homme qi portera ascun argent a la mynt mesme largent a la verroie value come il vault solonc mesme lallaie sur peine de paier le double damage a partie. Et auxi al entent qe cest ordeignance puisse le meulx & pluis joustement estre gardez ordeinez est qe lassaiour du Roy qi est persone indifferent parentre le maistre del mynt & le merchant & auxi le countrollour del mynt soient presentez qant ascun tiele bullion dargent soit porte a le mynte a lentent qe le dit assaiour puis droitement mettre le value di-

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cell solonc lallaie en cas del variaunce parentre le maistre et le merchant & le controllour a countroller sibien largent qest apportez en la dit mynt come asportez hors dicell chescun deux jurrez de fair foialment & endefferentment lour devoir sanz ascun regarde prendre autre qe le fee qils preignont du Roy sur la peine de paier double damage com desuis & qe ceux assaiour & countroullour soientz notoier science en le mister dorfeour & de mynt. Et auxi qe le maistre del mynt ne le chaungeor pur le temps esteant vende ne face vendre ne aliene a null autre oeps forsqe a le coigne null manere dor ne dargent overe ou nient overe coigne ou nient coignee ou bullion qest portez a la mynt ou a leschaunge mes icell applie toutsoulment a la monoie solonc la fourme de lendenture avantdite sur la peine contenuz en mesme lendenture. Et qe mesme le maistre del mynt face ferire de temps en temps demy nobles ferlynges dor grosses demy grosses deniers males & ferlinges pur le aise du poeple solonc le tenour del dite endenture fait parentre le Roy & luy sur la peine contenuz en ycell issint qe le commune poeple puis avoir recours a leschaunge pur petit or & blanke monoie come ils resonablement bosoigneront.

'Mint, shall be present when 'any such Bullion of Silver is 'brought to the Mint, to the 'Intent that the said Assayer 'may rightfully set the Value 'of the same according to the 'Allay, in case of Variance 'betwixt the Master and the 'Merchant; and the Controller 'to controul as well Silver that 'is brought to the said Mint, 'as carried out of the same, 'each of them being sworn 'faithfully and indifferently to 'do their Duty, without taking 'any Reward other than the 'Fee which they shall take of 'the King, upon Pain to yield 'double Damages, as afore is 'said: and that the Assayer 'and Controller be credible, 'substantial, and expert Men, 'having perfect Knowledge in 'the Mystery of Goldsmiths, 'and of the Mint. And also 'that neither the Master of 'the Mint, nor the Exchanger 'for the Time being, sell, nor 'cause to be sold, nor aliene 'to any other Use but to the 'Coin, no Manner of Gold 'nor of Silver wrought or unwrought, coined or not coined, or Bullion which is 'brought to the Mint, or to 'the Exchange, but apply the 'same only to the Money, according to the Form of the 'said Indenture, upon the 'Pain contained in the same 'Indenture. And that the 'same Master of the Mint 'cause to be stricken, from 'Time to Time, Half-Nobles, 'Farthings of Gold, Groats, 'Half-Groats, Pence, Half-Pence, and Farthings, for 'the Ease of the People, according to the Tenor of the 'Indenture made betwixt the 'King and him, upon the Pain

No. 41. 2 Henry VI. c. 12.

The Office and Duty of the King's Assayer of the Mint.

The Office of the Controller of the Mint.

The Master of the Mint shall convert into Coin all the Gold and Silver which he shall receive.

The Master of the Mint shall make small Money.

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No. 41. 2 Henry VI. c. 12. 'contained in the same, so 'that the common People may 'have Recourse to the Exchange for small Gold and 'white Money, as they reasonably shall need.'

No. 42.

2 Henry VI. c. 13.—The Price of a Pound of Silver in Plate, Piece or Mass.

No. 43.

27 Henry VI. c. 3.—Merchants Aliens shall bestow all their Money upon other Merchandises, and carry forth no Gold or Silver, upon Pain of Forfeiture thereof.

No. 44.

17 Edward IV. c. 1.—An Act for Money.

[No Irish Money shall run in Payment in England or Wales, upon Pain of Forfeiture thereof.—It shall be Felony to carry out of England or Wales any Coin of this Realm, or any Plate, Bullion, Jewels of Gold or Silver, without the King's Licence (except Prisoners Ransoms, Soldiers Money, &c.)—No Person shall melt any Money of Gold or Silver sufficient to run in Payment, upon Pain of Forfeiture of the Value thereof. All Things wrought of Silver to be sold, shall be as fine as the Sterling, and shall be marked with the Leopard's Head, and the Workman's Mark.—All Merchants Aliens shall imploy the Money received for their Merchandises upon the Commodities of this Realm.]

No. 45.

4 Henry VII. c. 2.—Allaying of Gold and Silver, melting, selling, and marking the same.

No. 45. 4 Henry VII. 'ITEM, Whereas it was of old Time used, and continued 'till now of late Years, that there was for the Weal of the 'King and the Realm, Finers and Parters of Gold and Silver 'by Fire and Water, under a Rule and Order belonging unto 'the Mints of *London*, *Calais*, *Canterbury*, *York*, and *Durham*, 'and in other Places where Mints been holden, and at the 'Goldsmiths' Hall in *London*, to fine and part all Gold and 'Silver belonging and needful for the said Mints and Fellow-'ship of Goldsmiths, for the Amendment of Money and Plate

'of the Realm, that every Thing might be reformed to the right Standard, as well in Money as Plate, to the least Cost, for the Weal of the King's Noblemen of the Land, and Common People: But so it is now, that such Finers and Parters of Gold and Silver by Fire and Water, dwelling Abroad in every Place of this Realm out of the Rules aforesaid, and buy gilt Silver from the Mints, Changes, and Goldsmiths, and part and fine it as is aforesaid, and for the most Part of the Silver so fined, they do allay it in divers Manners, and sell it at their Pleasures to every Man of what Estate or Degree soever he be, that will buy of them, to make such Works as pleaseth the Buyers; therefore Men can get no fine Silver when they need it for their Money, for the Amendment of Money and Plate, as hath been in Times past; wherefore it causeth Money and Plate in divers Places of the Realm to be made worse in Fineness than it should be, as it appeareth evidently in divers Places, to the great Hurt of the King's Noblemen of the Land, and common People:' Wherefore the King our Sovereign Lord, by the Assent of the Lords Spiritual and Temporal, and of the Commons, in the said Parliament assembled, and by Authority of the same, hath ordained, enacted, and established, That no Finer of Gold and Silver, nor Parter of the same by Fire or Water, from henceforth allay any fine Silver or Gold, ne none sell in any other wise, ne to any Person or Persons, but only to the Officers of Mints, Changes, and Goldsmiths within this Realm, for Augmentation and amending of Coin and Plate, as is aforesaid; and that the Masters of Mints, Changes, and Goldsmiths, for all such fine Gold or Silver coming to them, to answer the Value as it is worth, according as it is now and hath been in ancient Time accustomed after the Rate of Fineness: Ne that no Finer nor Finers, Parter nor Parters, sell to no Person, neither to one nor to other, any Manner of Silver into Mass molten and allayed, upon Pain of Forfeiture of the same, the King thereof to have one Half, and the Finder that can prove, and will sue for it in the King's Exchequer, the other Half. And if any Finer or Finers, Parter or Parters of Gold and Silver, either by Fire or Water, allay or sell any Manner fine Gold or Silver, otherwise than it is ordained in this Act, he or they to lose the Value of the same Gold or Silver so allayed or sold; the King to have the one Half, and the Finder that can prove it, and will sue for it in the King's Exchequer, the other Half. Also all such fine Silver as shall be parted and fined as is afore said, that it be made so fine, that it may bear twelve Penny Weight of Allay in a Pound Weight, and yet it be as good as Sterling, and rather better than worse; and that every Finer put his several Mark upon such fine Silver, to bear witness of the same to be true, as is afore said, upon the Pain of the Value found contrary to be forfeit; the King thereof to have the one Half, and the Finder that can prove it, and will sue for it in the Exchequer, the other Half. And that no Goldsmith nor Goldsmiths within

No 45. 4 Henry VII. c. 2.

Allaying of Gold and Silver and selling of the same.

Of what Fineness Silver ought to be.

A Finer of Gold and Silver must put his Mark upon it.

For what Pur-

No. 45. 4 Henry VII. c. 2.

poses Silver may be melted.

this Realm melt or allay any fine Silver, to be for any Works or other Intent, but only for making of Amels, for divers Works of Goldsmithry, and for amending of Plate to make it as good as Sterling, or better, for the common Weal of this Realm.

Silver molten into Mass shall not be sold.

II. Nor that they sell no fine Silver, nor other Silver allayed, molten into Mass, to any Person or Persons whatsoever they be, nor one Goldsmith to another. This Ordinance to be kept by the Goldsmiths in every Point, upon Pain of Forfeiture of the same Silver, or the Value thereof; the King thereof to have the one Half, and the Finder that can prove it, and will sue for it in the King's Exchequer, the other Half.

A Repeal of Patents of Offices belonging to the Mint.

III. Also it is ordained by the same Authority, That all Letters Patents and Grants of Offices belonging or pertaining to the Mint of our Sovereign Lord the King, or exercised in the same, with Fees and Wages thereto belonging, be from henceforth void and of none Effect.

No. 46.

4 Henry VII. c. 18.—The Forging of the Coin of other Realm allowed to be current in this Realm shall be Treason.

No. 47.

19 Henry VII. c. 5.—Coin.

No. 47. 19 Henry VII. c. 5.

'THE King our Sovereign Lord, seeing evidently that his 'Coin, and specially of Silver, is sore impaired, as 'well by clipping thereof, as counterfeiting of the same, and 'by bringing into this his Realm of the Coin of *Ireland*, by oc- 'casion whereof great Rumour and Variance daily increaseth 'among his Subjects for taking and refusing of the same:' For

The Coins of Gold and Silver current within this Realm shall so continue for the Sums that they were coined.

ceasing and pacifying whereof, and for the universal Weal of this his Realm, by the Advice and Assent of his Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, hath ordained, established, and enacted, That all Manner of Gold of the Coins of a Sovereign, Half-Sovereign, Ryal, Half-Ryal, and the fourth Part of a Ryal, the Angel, and Half-Angel, and every of them, being Gold, whole and Weight, shall go and be current in Payment through all this his Realm for the Sum that they were coined for. And also that as well all Manner Groats of *English* Coin, and of the Coin of other Lands now current in this Realm for Groats, or for *iv. d.* being Silver, and not clipped, minished, or otherwise impaired, except reasonable Wearing (albeit they be cracked) as all Manner of Half-Groats, or Pence of *ij. d.* of *English* Coin, or of the Coin of other Lands, now current in this Realm for Half-Groats, or

for *ij. d.* not clipped, minished, or otherwise impaired, being Silver (howbeit they be cracked) shall in like wise go and be current through all the same Realm for the Sum as they were coined for. And over that, That all Manner of Pence being Silver, and having the Print of the King's Coin, shall have Course, and be current for Payment, as well to him in all his Receipts, as to all his Receivers, and to all other Lords Spiritual and Temporal, and their Receivers, and to all other within this his Realm, without any Manner Refusal or Contradiction; except only pence bearing Spurs, or the Mullet, betwixt the Bars of the Cross; and those Pence so bearing the Print of the Spur, or the Mullet, to have Course for Half *d.* and not above. And if any Person hereafter refuse any Coin afore rehearsed, to take it in Payment after the Effect and the Tenor of this Act, that then he that so refuseth it shall be compelled by the Mayor, Sheriff, Bailiff, Constable, or other chief Officer or Governor of the Town or Place where any such Payment shall be refused, to accept and take the same Payment, and furthermore to be imprisoned, or otherwise punished by the Discretion of the said Mayor, Sheriff, Bailiff, Constable, or other chief Officer or Governor afore rehearsed. And if the said Mayor, Sheriff, Bailiff, Constable, or other chief Officer or Governor refuse to take any such Coin in Payment, as it is above rehearsed, that then he so refusing the said Payment, to be compelled by the Justices of the Peace of the same County where such Payment shall be so refused, to accept and take the same Payment, and he so refusing the same, to be further punished for the said refusing by the Discretion of the same Justice. And also it is ordained by the said Authority, That all Manner of Groats and Half-Groats, or Pence of *ij. d.* as well *English* Coin, as Coin of other Lands, clipped, minished, or otherwise impaired, except reasonable Wearing, shall not go nor be in any wise current for Payment within this Realm, but utterly to be refused and forsaken in Payment from henceforth: And that notwithstanding it shall be lawful to any Person having any such Groats or Pence of *ij. d.* clipped or minished, to bring the same to the King's Mint, there to be changed after the Custom of the same Mint, or convert the same into Plate, Bullion, or otherwise sell or imploy it to his most Profit and Advantage within this Realm, any other Act or Acts to the contrary in any wise notwithstanding. And in eschewing and avoiding of such Clipping in Time to come, the King our Sovereign Lord, by the Advice of his Council, hath caused to be made new Coins of Groats, and Pence of *ij. d.* and that every Piece of the same Coins shall have a Circle about the utter Part thereof; and also that all Manner of Gold hereafter to be coined within this his Realm shall have the whole Scripture about every Piece of the same Gold, without lacking of any Part thereof, to the Intent that his Subjects hereafter may have perfect Knowledge by that Circle or Scripture when the same Coins be clipped or impaired. And also it is enacted by the said Authority, That if the Warden and

No. 47. 19 Henry VII. c. 5.

What Pence shall be current within this Realm.

The Penalty of those that refuse to receive the Coins in Payment.

The Penalty if a chief Officer refuse to take any of the said Coins in Payment.

Money clipped or diminished shall not be current in Payment.

How any Person may use Money that is clipped or diminished.

A Remedy to prevent clipping of the Coin.

No. 47. 19 Henry VII. c. 5.

Controller of the King's Mints hereafter duly execute not their Offices in searching the same Coins, and see that it be made perfect in Form aforesaid, before that it pass from the said Mint, that then the same Warden and Controller shall forfeit their said Office, and make Fine for the same at the King's Pleasure. Moreover it is enacted by the said Authority, That no Manner of Person shall carry nor convey, nor cause to be carried or conveyed, out of this Realm, any Bullion, Plate, or Coin of Gold and Silver into *Ireland*, over and above the Sum of *vj. s. viij. d.* nor convey any such Bullion, Plate, or Coin into any Ship, Boat, or other Vessels to the said Intent, upon Pain to forfeit the said Bullion, Plate, or Coin, and to have Imprisonment, and make Fine and Ransom at the King's Will: And in like wise, That no Manner Person bring nor convey, nor cause to be brought nor conveyed, any Manner of Coin of Gold or Silver above the Sum of *iii. s. iv. d.* of the Coin of *Ireland* into this Realm, upon Pain of Forfeiture of all the same Coin above the said Sum of *iii. s. iv. d.* so brought into this Realm, and to have Imprisonment, and to make Fine and Ransom at the King's Pleasure; and that it shall be lawful for every of the King's Subjects to take and seise all such Money of the Coin of *Ireland*, hereafter to be brought or conveyed into this Realm, over and above the said Sum of *iij. s. iv. d.* and to bring it to the King's Mint, there to leave the same to the King's Use; and every Person that so shall bring any such *Irish* Money to the said Mint shall have the Value of the one Half of all such *Irish* Money by him so brought to the said Mint at the same Time delivered to him to his own Use by the Master of the Mint for the Time being.

No Money, Plate, or Bullion shall be carried into Ireland above vj. s. viij. d.

No Irish Coin of Gold or Silver shall be brought into England.

No. 48.

14 and 15 Henry VIII. c. 12.—What Coiners shall do that make Money at any Mint within *England*. Coiners that shall make any Money at any Mint shall coin Part thereof Half-Angels, Groats, and small Money. The Print of the Farthing. The tenth Part of Money coined for any Person shall be paid in Half-Pence and Farthings. This Act not to affect the Coiners of *York*, *Duresme*, or *Canterbury*.

No. 49.

5 and 6 Edward VI. c. 19.—An Act touching the Exchange of Gold and Silver.

No. 49. 5 and 6 Edward VI. c. 19.

'WHERE in the Parliament holden at *Westminster* the 'twenty-fifth Year of the Reign of King *Edward* the 'Third, it was accorded, That it should be lawful for every

' Man to exchange Gold for Silver, or Silver for Gold, or for ' Gold and Silver, so that no Man did * hold the same as exchanged, nor take no Profit for making of such Exchange, ' upon Pain of Forfeiture of the Money so exchanged, except ' the King's Exchangers, which take Profit of such Exchange ' according to an Ordinance before that Time made: Which ' Statute notwithstanding, divers covetous Persons of their own ' Authorities have of late taken upon them to make Exchanges, ' as well of coined Gold as of coined Silver, receiving and ' paying therefore more in Value than hath been declared by ' the King's Proclamation to be current for within this his ' Realm and other his Dominions, to the great Hindrance of ' the Commonwealth of this Realm:'

No. 49. 5 and 6 Edward VI. c. 19.

* Hold a common Exchange.

The Penalty for exchanging of Gold and Silver.

II. Be it therefore enacted by the King our Sovereign Lord, by the Assent of the Lords and Commons in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons after the first Day of *April* next coming exchange any coined Gold, coined Silver or Money, giving, receiving or paying any more in Value, Benefit, Profit or Advantage for it, than the same is or shall be declared by the King's Majesty's Proclamation to be currant for within this his Highness Realm and other his Dominions, that then all the said coined Gold, Silver and Money so exchanged, and every Part and Parcel thereof, shall be forfeit, and the Parties so offending shall suffer Imprisonment by the Space of one whole Year, and make Fine at the King's Pleasure: The one Moiety of the said Gold, Silver or Coin so forfeited, to be to the King our Sovereign Lord, and the other Moiety to be to the Party that seiseth the same, or will sue for it by Bill, Plaint, Original Action of Debt, Information or otherwise, in any of the King's Courts of Record; in which Suit no Essoin, Protection or Wager of Law shall lie, be allowed or admitted.

The Penalty for giving or receiving for Money more than it is current.

No. 50.

1 Mary, sess. 2. c. 6.—An Act that the counterfeiting of strange Coins being current within this Realm, the Queen's Highness' Sign Manual, Signet or Privy Seal, to be adjudged Treason.

[Inserted in the last Class.]

No. 51.

1 and 2 Philip and Mary, c. 11.—An Act for the Punishment of the bringing in of the counterfeit Coins of Foreign Realms, being current within this Realm.

No. 51. 1 and 2 Philip and Mary, c. 11.

Bringers in of counterfeit Coin into this Realm shall be punished as Traytors.

'WHERE divers and sundry Coins of Gold and Silver, 'of other Realms, not being of the proper Coin of 'this Realm of *England*, and yet by the Sufferance and Con- 'sent of the King and Queen our Sovereign Lord and Lady, 'be current in Payment within this Realm, many ill disposed 'Persons, for their own corrupt Lucre and Advantage, have 'now of late brought into this Realm from the Parts beyond 'the Sea great Quantity of forged and counterfeit Money, 'like to the said Coin of other Foreign Realms, and have utter- 'ed the same here by merchandizing and otherwise, to divers 'of the Subjects of this Realm, to their great Deceit, Hurt and 'Damage; because the said ill disposed Persons have per- 'ceived and understood, that there was not, nor yet is, any 'sufficient Law or Statute made or provided for the condign 'Punishment of the Offenders in that Behalf:'

II. Wherefore be it enacted and established by the Authority of this present Parliament, That if any Person or Persons after the twentieth Day of *January* next coming shall bring from the Parts beyond the Sea into this Realm, or into any of the Dominions of the same, any such false and counterfeit Coin or Money, being current within this Realm, as is aforesaid, knowing the same Coin or Money to be false and counterfeit, to the Intent to utter or make Payment with the same within this Realm, or any the Dominions of the same, by merchandizing or otherwise; that all and every such Person or Persons so offending as aforesaid, their Counsellors, Procurers, Aiders, and Abettors in that Behalf, shall be deemed and adjudged to be Offenders in High Treason, and shall suffer after lawful Conviction or Attainder thereof, such Pains of Death, Loss and Forfeiture of Lands, Goods and Chattels, as other Offenders shall do in Cases of High Treason.

The Manner of Indictment, Trial, &c of an Offender for impairing or forging of Coin.

III. And be it further enacted by the Authority aforesaid, That all and every Person or Persons that shall at any Time after the said twentieth Day of *January* be accused or impeached of any of the Offences contained and provided for in this Estatute, or of any other Offence or Offences concerning the Impeiring, Counterfeiting or Forging of any Coin current within this Realm, shall and may be indicted, arraigned, tried, convicted or attainted by such like evidence, and in such Manner and Form, as hath been used and accustomed within this Realm, at any Time before the first Year of the Reign of our late Sovereign Lord King *Edward* the Sixth; any Statute, Custom, Law, or Usage to the contrary thereof in any wise notwithstanding. 9 *Ed.* 3. stat. 2. c. 2.

No. 52.

5 Elizabeth, c. 11.—An Act against the Clipping, Washing, Rounding and Filing of Coins.

No. 52. 5 Elizabeth, c. 11.

The Clipping, &c. of Coins for Gain's sake shall be High Treason. 3 H. 5. c. 6. 1 Mar. sess. 1. c. 1.

The Prejudices redounding to the Queen and the Realm, by Clipping, Washing, &c. of Money.

WHEREAS the Offences of Clipping, Rounding, Washing and Filing of Monies or Coins of this Realm, was declared by an Act of Parliament in the Time of King *Henry* the Fifth to be Treason to the King and the Realm, and according to the said Act, the same Offences were and did continue Treason until the first Year of the Reign of Queen *Mary*, at which Time the Pains and Penalties due for the said Offences were abrogated and taken away by the general Act of Repeal then made: by Reason whereof, divers false and evil-disposed Persons, perceiving themselves to be loose and free from the Severity and Danger of the said Law and Penalty, have been of late the more hardy and bold to attempt and practise, for wicked Lucre and Gain's Sake, to diminish, impair and falsify the Monies and Coins current within this Realm, and the Dominions of the same, by such Clipping, Washing, Rounding and Filing thereof, not only to the great Dishonour of the Queen's Majesty our Sovereign Lady that now is, by whose great Goodness the new Monies or Coins of the same are now reduced to as much Fineness as ever hath been in any Time of her Noble Progenitors, but also to the great Loss and Damage of the good Subjects of this Realm, and more is like to be hereafter, if the same be not speedily met withal:'

The Clipping, Washing, Rounding or Filing of current Money, shall be adjudged Treason Inforced by 18 El. c. 1. 6 & 7 W. 3. c. 17, § 9.

II. For Remedy whereof, Be it enacted, declared and established by the Authority of this present Parliament, That from and after the first Day of *May* next coming, Clipping, Washing, Rounding or Filing, for wicked Lucre or Gain's Sake, of any the proper Monies or Coins of this Realm or the Dominions thereof, or of the Monies or Coins of any other Realm allowed and suffered to be current within this Realm or the Dominions thereof, at this present, or that hereafter at any Time shall be the lawful Monies or Coins of this Realm, or of the Dominions thereof, or of any other Realm and by Proclamation allowed and suffered to be current here by the Queen's Majesty, her Heirs and Successors, shall be taken, deemed and adjudged by Virtue of this Act to be Treason; and the Offenders therein, their Counsellors, Consenters and Aiders, shall be, from and after the same first day of *May*, taken, deemed and adjudged as Offenders in Treason, and being thereof lawfully convicted or attainted according to the Order and Course of the Laws of this Realm, shall suffer Pains of Death, and lose and forfeit all his and their Goods and Chattels; and also shall lose and forfeit all his and their Lands and Tenements, during his and their natural Life or Lives only.

They who have Forfeitures of

III. And be it further enacted by the Authority aforesaid, That all and every Person and Persons which have any law-

No. 52. 5 Elizabeth, c. 11.

Lands or Goods by Grant, shall in this Case enjoy them.

ful Grant to have and enjoy the Forfeiture of Lands, Tenements, Goods or Chattels of Offenders and Men attainted in High Treason, within any Manor, Lordship, Town, Parish, Hundred or other Precinct within this Realm of *England* or *Wales*, shall and may at all Times hereafter have like Liberty to take, seize and enjoy all such Forfeitures of Lands, Tenements, Goods and Chattels, as shall come or grow within their Liberties, by Force of the Attainder of any Person or Persons, for and upon any Offence or Offences made Treason by this Act, as they or any of them should, ought or might have, by Virtue of any good and lawful Grant to them or any of them heretofore had or made.

These Offences make no Corruption of Blood or Forfeiture of Dower.

IV. Provided always, and be it enacted by the Authority aforesaid, That this Act, nor any Thing therein contained, nor any Attainder or Attainders of any Person or Persons for any Offence or Offences made Treason by this Act, shall in any wise extend or be judged, interpreted or expounded, to make any Corruption of Blood, to any the Heir or Heirs of any such Offender or Offenders, or to make the Wife of any such Offender to lose or forfeit her Dower of or in any Lands, Tenements or Hereditaments, or her Title, Action or Interest in the same; any Thing in this Act contained, or any Attainder or Attainders hereafter to be had for any Offence or Offences made Treason by this Act, to the contrary notwithstanding.

Trial of a Peer by Peers.

V. And be it further enacted by the Authority aforesaid, That if any of the Lords of the Parliament, or Peer of this Realm for the Time being, shall fortune at any Time hereafter to be indicted of any Offence made Treason by this Act; that then they and every of them shall have his or their Trial by their Peers, as hath been used heretofore in Cases of High Treason.

No. 53.

14 Elizabeth, c. 3.—An Act against the Forging and Counterfeiting of Foreign Coin, being not current within this Realm.

No. 53. 14 Elizabeth, c. 3.

It is Misprision of high Treason to forge Money which is not the Coin of this Realm, nor current therein.

'FORASMUCH as by the Laws or Statutes of this Realm, 'small or no condign Punishment is at this Time pro'vided for such evil-disposed Persons as shall counterfeit or 'forge such Kind of Gold or Silver of other Realms as is not 'the proper Coin of this Realm, nor current in Payment within 'this Realm; by reason whereof divers evil disposed Persons, 'as well without this Realm as within, are encouraged and 'emboldened daily to counterfeit or forge such Kind of Gold 'and Silver, and utter the same in this Realm, in great Deceit 'of her Majesty's Subjects:' Be it enacted by our said Sovereign Lady the Queen, the Lords Spiritual and Temporal, and the Commons, of this present Parliament assembled, and by the Authority of the same, That if any Person or Persons hereafter falsly forge or counterfeit any such Kind of Coin of

Gold or Silver as is not the proper Coin of this Realm, nor permitted to be current within this Realm: that then every such Offence shall be deemed and adjudged Misprision of High Treason; and the Offenders therein, their Procurers, Aiders and Abettors, being convict according to the Laws of this Realm of such Offences, shall be imprisoned, and forfeit such Lands, Goods and Chattels, as in Cases of Misprision of Treason for Concealment of High Treason.

No. 53. 14 Elizabeth, c. 3. The Penalty of forging of Coin which is not the Money of this Realm, nor current therein.

No. 54.

18 Elizabeth, c. 1.—An Act against the diminishing and impairing of the Queen's Majesty's Coin, and other Coins current within this Realm.

No. 54. 18 Elizabeth, c. 1.

'WHEREAS the Offences of Clipping, Rounding, Washing and Filing, for wicked Lucre or Gains-sake, of any the proper Monies or Coins of this Realm or the Dominions thereof, or of the Monies or Coins of any other Realm allowed by Proclamation, and suffered to be current within this Realm or the Dominions thereof, by a Statute made in the fifth Year of the Queen's Majesty's Reign, are taken, deemed and adjudged to be Treason; and the Offenders therein, their Counsellors, Consenters and Aiders, likewise deemed and adjudged as Offenders in Treason, and being thereof lawfully convicted or attainted, according to the due Order and Course of the Laws of this Realm, are to suffer Pains of Death, and to lose and forfeit all his and their Goods and Chattels, and also all his and their Lands and Tenements, during his and their natural Life or Lives only, as by the said Estatute thereof made, among other Things therein contained, more at large it doth and may appear: Sithence the making of which good Law and Statute divers false and evil-disposed Persons, knowing that the said Law being, as it is, penal, ought to be taken and expounded strictly according to the Words thereof, and the like Offences, not by any Equity to receive the like Punishment or Pains, have sithence the making of the said Law and Statute most wickedly devised and practised, for wicked Lucre and Gains-sake, other Arts, undue Ways and Means, to falsify, impair, diminish and lighten, as well the proper Monies and Coins of this Realm and the Dominions thereof, as also the Monies or Coins of other Realms allowed and suffered to be current within this Realm and the Dominions thereof by her Majesty's Proclamation, to the great Damage, Loss, Hurt and Deceit, as well of her Majesty, as of all her faithful and loving Subjects, and more is like hereafter to be practised and done, if the same be not speedily met withal:' For Reformation and Remedy whereof, be it enacted, declared and established by the Authority of this present Parliament, That if any Person or Persons, of what Estate, Degree or Condition soever he

Diminishing, scaling or lightning of any Coin current within this Realm shall be High Treason.

Other undue Means practised to falsify the Money not within the strict Word of the foresaid Statutes.

No. 54. 18 Elizabeth, c. 1.

or they be, shall from and after the first Day of *April* next coming, for wicked Lucre or Gains-sake, by any Art, Ways or Means whatsoever, impair, diminish, falsify, scale or lighten the proper Monies or Coins of this Realm, or any the Dominions thereof, or the Monies or Coins of any other Realms allowed and suffered to be current at the Time of the Offence committed within this Realm of *England* or any the Dominions of the same, by the Proclamation of the Queen's Majesty, her Heirs and Successors, shall be taken, adjudged and deemed to be Treason; and the Offenders therein, their Counsellors, Consenters and Aiders, shall be likewise deemed and adjudged as Offenders in Treason, and being thereof lawfully convicted or attainted, according to the due Order of the Laws of this Realm, shall suffer Pains of Death; and lose and forfeit all their Goods and Chattels to the Queen's Majesty, her Heirs and Successors, and shall also lose and forfeit to the Queen's Highness, her Heirs and Successors, all their Lands, Tenements and Hereditaments, during his or their natural Life or Lives only.

No Corruption of Blood or Forfeiture of Dower for this Treason.

II. Provided always, and be it enacted by the Authority aforesaid, That this Act, nor any Thing therein contained, nor any Attainder or Attainders of any Person or Persons for any Offence or Offences made Treason by this Act, shall in any wise extend, or be judged, interpreted or expounded to make any Corruption of Blood to any the Heir or Heirs of any such Offender or Offenders, or to make the Wife of any such Offender to lose or forfeit her Dower of or in any Lands, Tenements or Hereditaments, or her Title, Action or Interest to the same; any Thing in this Act contained, or any Attainder or Atainders hereafter to be had, for any Offence or Offences made Treason by this Act, to the contrary notwithstanding.

Trial of a Peer by his Peers.

III. And be it further enacted by the Authority aforesaid, That if any of the Lords of the Parliament, or Peer of this Realm, for the Time being, shall fortune at any Time hereafter to be indicted of any Offence made Treason by this Act, that then they and every of them shall have his or their Trial by their Peers, as hath been used heretofore in Cases of High Treason. 25 Ed. 3. stat. 4 & 5. c. 2. 1 Ma. sess. 2. c. 6.

No. 55.

18 Elizabeth, c. 15.—An Act for Reformation of Abuses in Goldsmiths.

No. 55. 18 Elizabeth, c. 15.

A Goldsmith shall set his Mark on his Work.

'WHERE certain evil-disposed Goldsmiths deceitfully do 'make and sell Plate, and other Gold and Silver 'Wares, to the great defrauding of her Majesty and her good 'Subjects:' For Remedy whereof, be it enacted by the Authority of this present Parliament, That no Goldsmith from the

Of what Fineness his Wares

twentieth Day of *April* next coming shall work, sell, exchange or cause to be wrought, sold or exchanged, any Plate or other Goldsmith Wares of Gold, less in fineness than that of

two and twenty Carrects, and that he use no Sother, Amell or other Stuffings whatsoever, in any of their Works, more than is necessary for the finishing of the same; and that they take not above the Rate of Twelve-pence for the Ounce of Gold, besides the Fashion, (more than the Buyer shall or may be allowed for the same at the Queen's Exchange or Mint) upon Pain to forfeit the Value of the Thing so sold or exchanged: And that from the said twentieth Day of *April* no Goldsmith shall make, sell or exchange in any Place within this Realm, any Plate or Goldsmith's Wares of Silver, less in Fineness than that of eleven Ounces twopeny Weight; nor take above the Rate of Twelve-pence for every Pound Weight of Plate or Wares of Siver, besides the Fashion, more than the Buyer shall or may be allowed for the same at the Queen's Exchange or Mint; nor put to Sale, exchange or sell any Plate or Goldsmith's Work of Silver, before he hath set his own Mark to so much thereof as conveniently may bear the same; upon Pain to forfeit the Value of the Thing so sold or exchanged. And if any Goldsmith shall make any Goldsmith's Work or Plate, and the same after the said twentieth Day of *April* shall be touched, marked and allowed for good, by the Wardens or Masters of that Mystery, and if in the same there shall be found any Falshood or Deceit; then the Wardens and Corporation of that Mystery for the Time being, shall forfeit and pay the Value of the Thing so exchanged or sold; the one Moiety of all which Forfeitures shall be to the Use of the Queen's Majesty, and the other Moiety to the Use of such Party grieved and sustaining Loss thereby, as will sue for the same in any Court of Record, by Action, Bill, Plaint, Information or otherwise, wherein no Essoin, Protection or Wager of Law shall be admitted for the Defendant.

No. 55. 18 Elizabeth, c. 15.

of Gold and Silver shall be.

The Fineness of Silver Plate, and what the Goldsmith shall take more than the Buyer shall have for it at the Mint. Enforced by 6 Geo. 1. c. 11. § 3.

The Penalty if Falshood be found in Plate, or Work marked by the Wardens of the Goldsmiths.

No. 56.

13 and 14 Charles II. c. 31.—An Act to prevent the Inconvenience arising by melting the Silver Coin of this Realm.

'WHEREAS by an Act made in the ninth Year of King 'Edward the Third, it is enacted, That no Sterling 'Halfpenny or Farthing shall be moulten to make Vessel, or 'any other Thing, by Goldsmiths or any other, upon Pain of 'Forfeiture of the Monies so moulten; whereas by one other 'Statute made in the seventeenth Year of King *Richard* the 'Second, it was further enacted, That no Groats or Half-'groats shall be moulten by any Man to make Vessel or 'other Thing thereof, upon the same Pain; and whereas di-'vers Persons do elude the said Statutes, as well Goldsmiths as 'others, by melting Silver Coins of this Realm above the 'Value of Groats, to the great diminishing of the Silver Coin 'of this Realm, and the Hindrance of the Commerce of the

No. 56. 13 and 14 Charles II. c. 31.

9 Ed. 3. st. 2. c. 3.

17 R. 2. c. 1.

No. 56. 13 and 14 Charles II. c. 31. None shall melt current Silver Money. The Penalty.

'same;' be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, That no Person or Persons whatsoever shall, after the twentieth Day of *December*, one thousand six hundred sixty-two, wilfully melt, or cause to be melted, any of the current Silver Money of this Realm; upon Pain not only of Forfeiture of the same, but also of the double Value of any such Coin so melted; the one Half to his Majesty, his Heirs and Successors, the other Half to the Informers, who shall sue for the same upon Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts at *Westminster*; in which no Essoin, Wager of Law, or Protection, shall be allowed: And moreover, That the said Person or Persons offending contrary to the Tenor of this Act (if he or they be a Freeman or Freemen, or privileged Person or Persons, of any City or Corporations within this Kingdom of *England*), shall, upon legal Conviction for the same, be forthwith disfranchised and made uncapable of exercising the Trade of a Goldsmith, or any other Mystery, by virtue of the Privileges of the City or Corporation of which he or they are Members: And if the said Person or Persons offending, and convict as aforesaid, shall not be a Freeman or Freemen, or privileged Person or Persons, of any City or Corporation as aforesaid, then he or they shall suffer Imprisonment, without Bail or Mainprize, for the Space of six Months next ensuing his or their Conviction as aforesaid.

No. 57.

18 Charles II. c. 5.—An Act for encouraging of Coinage.

No. 58.

6 and 7 William III. c. 17.—An Act to prevent counterfeiting and clipping the Coin of this Kingdom.

No. 58. 6 and 7 William III. c. 17.

'WHEREAS it is manifest that of late Years the current 'Coin of this Kingdom hath been greatly diminished 'by clipping, rounding, filing, and melting the same, and 'likewise many false and counterfeit Coins have been clipped 'for the better disguising thereof: And for as much as it is 'apparent that these Practices of diminishing the current Coin 'is very much occasioned by those who drive a Trade of exchanging broad Money for clipped Money, and by other 'Arts and Devices:'

Penalty upon Persons selling or paying Silver-Money for more than it is coined.

II. Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That from and after

the first Day of *May*, which shall be in the Year of our Lord one thousand six hundred ninety-five, if any Person or Persons whatsoever shall, at any one Time or Payment, exchange, lend, sell, borrow, or buy, receive or pay, any broad Silver Money, or Silver Money unclipped, of the Coin of this Kingdom, for more in Tale, Benefit, Profit, or Advantage, than the same was coined for, and ought by Law to go for, be lent, sold for, borrowed or bought, received or paid, shall forfeit the Sum of ten Pounds for every twenty Shillings that shall be so exchanged, lent, sold for, borrowed or bought, received or paid, and so in proportion for any greater or lesser Sum; One Moiety thereof to his Majesty, and the other Moiety to the Person who shall sue or inform for the same, to be recovered (with Costs of Suit) by Action of Debt, Bill, Plaint, or Information, wherein no Privilege, Protection, or Wager of Law, shall be allowed, nor any more than one Imparlance.

No. 58. 6 and 7 William III. c. 17.

Penalty for casting Bars of Silver, &c.

III. And be it further enacted by the Authority aforesaid, That no Person do or shall presume to cast Ingots or Bars of Silver, in Imitation of *Spanish* Bars or Ingots of Silver, nor do stamp any Mark or Impression upon any Ingot or Bar in Likeness of the *Spanish* Marks or Impressions; upon Pain that the Person herein offending shall, for every such Offence, forfeit the Silver so cast, and also the Sum of five hundred Pounds, one Moiety to his Majesty, and the other to the Informer, to be recovered as aforesaid.

Punishment for buying or selling Clippings, &c.

IV. And for the better preventing the clipping, diminishing, or impairing the current Coin of this Kingdom, be it further enacted by the Authority aforesaid, That if any Person whatsoever shall buy or sell, and knowingly have in his Custody or Possession, any Clippings or Filings of the current Coin of this Kingdom; he shall, for every such Offence, forfeit the said Clippings or Filings, and also the Sum of five hundred Pounds, one Moiety to his Majesty, and the other to the Informer, to be recovered as aforesaid, and shall be also branded in the Right Cheek with a hot Iron with the Letter *R.* and until Payment of the said five hundred Pounds shall suffer Imprisonment.

No Person shall transport Bullion, except it be stamped at Goldsmiths'-hall.

V. And be it further enacted, That no Goldsmith, or other Person whatsoever, shall, from and after the said first Day of *May*, transport or cause to be transported, out of this Kingdom of *England* into any Parts beyond the Seas, any molten Silver whatsoever, but such only as shall be marked or stamped at *Goldsmiths'-hall* by the Wardens, some or one of them, belonging to the said Company of Goldsmiths, which Mark or Stamp the said Wardens are hereby required to provide, and therewith to mark or stamp all such Silver as shall be proved before them, or one of them, in such Manner as is hereafter mentioned, to be lawful Silver; nor unless a Certificate be first had and obtained under the Hand of one or more of the said Wardens, of Oath having been made before him or them by the Owner or Owners of such molten Silver, and likewise by one credible Witness, that the same is lawful Sil-

No. 58. 6 and 7 William III. c. 17.

ver, and that no Part thereof was (before the same was molten) the current Coin of this Realm, nor Clippings thereof, nor Plate wrought within this Kingdom; which Oath the said Wardens, or any one of them, are and is hereby required and authorized to administer, and likewise to make and grant a Certificate thereof without Fee or Reward, an Entry of which Certificate shall be duly made by the said Wardens, in a Book to be kept for that Purpose; and in case any Person whatsoever, who shall offer any molten Silver to be marked, as is aforesaid, shall not prove by his or her Oath, and likewise by the Oath of one credible Witness, that the Silver offered to be marked is lawful Silver, and that the same was not, before the melting thereof, the current Coin of this Kingdom, nor Clippings thereof, nor Plate wrought within the same, then and in every such Case, it shall be lawful to and for the said Wardens, or any one of them, to seize and detain such molten Silver so offered to be marked, until such Time as such Oath and Proof shall be made, as is aforesaid.

Bullion not stamped may be seized by Custom-house Officers.

VI. And be it further enacted, That if any Person whatsoever shall ship, or cause to be shipped or put on board any Vessel, any molten Silver not stamped or marked by the said Wardens, or one of them, and without Certificate first obtained; of Oath having been made before the said Wardens, or one of them, of the Lawfulness of such Silver, in Manner as is aforesaid (which Certificate shall be shewn to some one of the Commissioners of the Customs for the Time being, before any Cocket be granted for the exporting of such molten Silver), in such Case, it shall and may be lawful to and for any Officer or Officers of His Majesty's Customs to seize such Silver so shipped and put on board; one Moiety whereof shall be to his Majesty, his Heirs and Successors, and the other Moiety to the Officer or Officers so seizing the same.

Goldsmith only to buy and sell Bullion.

VII. And be it further enacted, That if any Broker or Brokers, not being a trading Goldsmith, or Refiner of Silver, shall buy or sell any Bullion or molten Silver, every such Person shall suffer, for every such Offence, Imprisonment for six Months without Bail or Mainprize.

What Persons may break open Houses, and search for Bullion.

VIII. And, for the better Discovery of Offenders in the Premises, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for one or more of the Wardens of the said Company of Goldsmiths, with any two or more of the Court of Assistants of the said Company, within the Compass of the Weekly Bills of Mortality, and to and for any two Justices of the Peace within any County, City, or Town Corporate, out of the Compass of the Weekly Bills of Mortality, to enter into the House, Room, or Workshop of any Person who shall be suspected to be guilty of buying or selling unlawful Bullion, and to search for the same; and in case the Occupier or Occupiers of such House, Room, or Workshop, shall refuse to permit the said Warden and Assistants, or Justices, to make such Search as aforesaid, it shall and may be lawful to such Warden and Assistants, and Justices,

No. 58. 6 and 7 William III. c. 17.

with the Assistance of a Constable, to break open any Door, Box, Trunk, Chest, Cupboard, or Cabinet, in order to search for and discover such Bullion, as is aforesaid; and in case the Person so searching shall at any Time find any such unlawful Bullion, the Persons so finding the same, are hereby required to seize, as well such Bullion as the Person and Persons in whose Possession the same shall be found; and the said Wardens, Assistants and Constables shall bring him and her before the next Justice of the Peace, who shall, upon Oath made of such finding, which Justice within the Weekly Bills of Mortality, and the said two Justices without the said Bills of Mortality, shall and may examine the Person so brought before him, or found by them respectively, upon Oath, whether the Bullion so found be lawful Silver, and whether the same was not (before the melting thereof) the current Coin of this Realm, or Clippings thereof; and in case the said Person so examined shall not prove by his or her Oath, or by the Oath of one credible Witness, before the said Justice and Justices respectively, that the Bullion so found is lawful Silver, and that the same was not, before the melting thereof, the current Coin of this Realm, nor Clippings thereof, then and in such Case the said Justice or Justices respectively shall commit the Person so examined to Prison, and shall secure the Bullion so found, and shall likewise oblige the Persons that can give any Evidence concerning the same, to enter into a Recognizance to prosecute the said Offender and Offenders; and in case such Offender and Offenders, in whose Possession such unlawful Bullion shall be found, shall not, upon his, her, or their Trials on an Indictment for melting the current Silver Coin of this Realm, prove, by the Oath of one credible Witness at the least, the Bullion so found to be lawful Silver, and that the same was not the current Coin of this Realm, nor Clippings thereof, then, and for want of such Proof, such Offender shall be found guilty of the Offence contained in such Indictment, and shall suffer Imprisonment for the Space of six Months, without Bail or Mainprize.

Person in whose Possession Bullion is found, not proving it to be neither Coin nor Clippings melted, to be imprisoned six Months.

'IX. And whereas the Coin of this Realm is of late much 'clipped and counterfeited, for want of due Encouragement 'to be given to such Persons as shall discover the same;' be it enacted by the Authority aforesaid, That from and after the said first Day of *May*, one thousand six hundred ninety-five, all and every Person and Persons, who shall apprehend and take any Person or Persons who have counterfeited any of the current Coin of this Realm, or that for Lucre or Gain have clipped, washed, filed, or any Ways diminished the same, or shall bring, or cause to be brought, into this Kingdom, the Dominion of *Wales*, or Town of *Berwick-upon-Tweed*, any clipt, false, or counterfeit Coin, and prosecute such Person or Persons, until he, she, or they, be convicted for any such Offence, shall have and receive from the Sheriff or Sheriffs of the County, where such Conviction shall be made, for every such Offender so convicted, the Sum of forty Pounds

Reward for apprehending and convicting Clippers, &c.

No. 58. 6 and 7 William III. c. 17.

(without paying any Fee for the same), within one Month after such Conviction and Demand thereof made, by tendring a Certificate to the said Sheriff or Sheriffs for the Time being, under the Hand or Hands of the Judge or Justices before whom such Traitor or Traitors, Offender or Offenders, as aforesaid, shall be convicted, certifying the Conviction of such Traitor or Traitors done within the County of the said Sheriff or Sheriffs, and that such Traitor or Traitors was or were taken and prosecuted by the Person or Persons claiming the said Reward, which Certificate as aforesaid, the said Judge or Justices are hereby required to give: And in case any Dispute shall happen to arise between the Persons apprehending and prosecuting to Conviction such Traitors as aforesaid, touching their Right and Title to the said Reward, that then the said Judge or Justices so respectively certifying as aforesaid, shall, in and by their said Certificate, direct and appoint the said Reward to be paid unto and amongst the Parties claiming the same, in such Share and Proportions as to the said Judge or Justices shall seem just and reasonable: And if Default of Payment of the said Sum or Sums of Money shall happen to be made by any Sheriff or Sheriffs, such Sheriff or Sheriffs, so making Default, shall forfeit to the Person or Persons, to whom such Money is due as aforesaid, double the Sum or Sums of Money he ought to have paid, to be recovered by him or them, or his or their Executors or Administrators, in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, wherein but one Imparlance, and no Essoin, Protection, or Wager of Law, shall be allowed, with Treble Costs of Suit by him or them expended in Recovery of the same.

Penalty on Sheriff not paying the same.

Sheriff to be allowed the 40l. in his Accounts, &c.

X. And it is hereby further enacted, That all Sheriffs, their Executors or Administrators, upon producing such respective Certificates, and the Receipts for the Money by them paid in pursuance of this Act, shall be allowed, and are hereby impowered to deduct, upon their accounting with his Majesty, all Monies (other than the Double Sum and Sums of Money and Costs of Suit) which they shall disburse as aforesaid, without any Fee or Reward whatsoever.

By 3 Geo. 1. c. 15. sect. 4. the Sheriff may apply to the Lord Treasurer.

XI. Provided always, That if, upon the Account of any Sheriff or Sheriffs, there shall not be Money sufficient in the Hands of such Sheriff or Sheriffs to reimburse him or them such Monies paid by him or them by virtue of this Act, that then the Sheriff or Sheriffs, having so paid the said Monies, shall have the same repaid by the Lord Treasurer or Commissioners of his Majesty's Treasury for the Time being, out of the Revenue of the Crown, upon Certificate from the Clerk of the Pipe to that Effect.

Persons guilty, on convicting two others, pardoned.

XII. And be it further enacted by the Authority aforesaid, That if any Person or Persons, being out of Prison, shall, from and after the said first day of *May*, one thousand six hundred ninety-five, be guilty of clipping, coining, counterfeiting, washing, filing, or otherwise diminishing the Coin of

this Realm, and afterwards discover two or more Person or Persons, who already have, or hereafter shall commit any of the said Crimes, so as two or more of the Person or Persons discovered shall be convicted of the same; any such Discoverer shall himself have, and is hereby intitled to, the gracious Pardon of his Majesty, his Heirs and Successors, for all such Crimes which he or they have committed at any Time or Times before such Discovery made: And if the Person making such Discovery be an Apprentice, he shall be deemed and taken, and is hereby declared a Freeman, and shall have and may exercise any lawful Trade, Profession, or Mystery, with all Liberties and Privileges, and in as full and ample Manner, as if the said Person had served the full Time of his Apprenticeship; any Law, Statute, Custom, or Ordinance to the contrary notwithstanding.

No. 58. 6 and 7 William III. c. 17.

Apprentice discovering made a Freeman.

XIII. And be it further enacted by the Authority aforesaid, That in case any Seizure shall happen of any Bullion shipped to be exported, and a Doubt arise thereon, whether the same be *English* or Foreign Bullion, that then the Proof shall lie upon the Owner, Claimer, or Exporter of such Bullion, that the same is foreign Bullion, and had not been melted down in this Realm of *England*, Dominion of *Wales*, or Town of *Berwick-upon-Tweed*.

Proof of Foreign Bullion to lie upon the Owner, &c.

XIV. And be it further enacted by the Authority aforesaid, That in case any Person or Persons enter or ship any Bullion, allowed by this Act to be exported beyond the Seas, other than in the Name of the true Owner and Proprietor or Importer, the Exporter thereof shall forfeit the same, or the full Value thereof; one Moiety to his Majesty, his Heirs and Successors, and the other Moiety to the Person who shall seize or discover the same.

Penalty upon Exporter not entering in Name of Owner, &c.

XV. Provided always, and be it further enacted, That this Act, or any Thing therein contained, shall not extend to prohibit the Exportation of such Bullion as shall be licensed by his Majesty, (such Licences being entered in the Books of the Custom-house for the Port of *London*) so as the same be exported before the first Day of *January*, one thousand six hundred ninety-five, and do not exceed seven hundred thousand Ounces of Silver, to be applied for the Payment of his Majesty's Forces.

Certain Quantity of Bullion exported by the King saved.

No. 59.

7 and 8 William III. c. 1. — An Act for remedying the ill State of the Coin of the Kingdom.

No. 60.

P. 7 and 8 William III. c. 19.—An Act to encourage the bringing Plate into the Mint to be coined, and for the remedying the ill State of the Coin of the Kingdom.

No. 60. 7 and 8 William III. c. 19. Penalty for taking clipt Money in Payment.

XI. AND to the end the Subject, after so great a Contribution and Charge for making good the Deficiency of clipt Money, may not remain under any Part of the Mischiefs which the Continuance of the Currency of such Money will occasion, be it further enacted, That whosoever, after the fourth day of *May*, one thousand six hundred ninety-six, shall take or receive any such clipt Money, otherwise than according to the Directions, and in pursuance of an Act of this present Session of Parliament, intituled, "An Act for remedying the ill State of the Coin of the Kingdom," in any Payment whatsoever, as if it were lawful Money, shall forfeit double the Value of the Silver so received, to the Use of such Person as will inform or prosecute for the same, to be recovered in such Manner and Form as the Forfeiture for uttering Money clipt, after a Hole has been punched through it, in pursuance of an Act made in this present Session of Parliament, is directed to be recovered by the said Act; and the Justices of the Peace are hereby impowered to hear and determine such Information or Prosecution accordingly.

[XII. Guineas to be at 22s.]

No. 61.

8 William III. c. 2.—An Act for the further remedying the ill state of the Coin of the Kingdom.

No. 62.

8 William III. c. 8.—An Act for encouraging the bringing in wrought Plate to be coined.

No. 63.

8 and 9 William III. c. 26.—An Act for the better preventing the counterfeiting the current Coin of this Kingdom.

No. 63. 8 and 9 William III. c. 26.

'WHEREAS notwithstanding the good Laws still in Force 'against the counterfeiting of the Monies and Coins 'of this Realm, yet the said Offence doth and is like daily to 'increase, to the manifest Wrong and Injury both of his Ma-

No. 63. 8 and 9 William III. c. 26.

'jesty and all his loving Subjects, being very much occasioned 'for want of a due and condign Punishment to be inflicted 'upon such Artificers and others, who without any lawful Au- 'thority do make or use Puncheons, Stamps, Dyes, and other 'Engines and Instruments, which are commonly used, or may 'be made use of, in or about the coining of Money:' For Redress of which so great and growing a Mischief, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the fifteenth Day of *May*, one thousand six hundred ninety-seven, no Smith, Engraver, Founder, or other Person or Persons whatsoever (other than and except the Persons employed or to be employed in or for his Majesty's Mint or Mints in the Tower of *London*, or elsewhere, and for the Use and Service of the said Mints only, or Persons lawfully authorized by the Lords Commissioners of the Treasury, or Lord High Treasurer of *England* for the Time being) shall knowingly make or mend, or begin or proceed to make or mend, or assist in the making or mending of any Puncheon, Counter Puncheon, Matrix, Stamp, Dye, Pattern, or Mould of Steel, Iron, Silver, or other Metal or Metals, or of Spaud, or fine Founder's Earth, or Sand, or of any other Materials whatsoever, in or upon which there shall be, or be made or impressed, or which will make or impress the Figure, Stamp, Resemblance, or Similitude of both or either of the Sides or Flats of any Gold or Silver Coin, current within this Kingdom, nor shall knowingly make or mend, or begin or proceed to make or mend, or assist in the making or mending of any Edger or Edging Tool, Instrument, or Engine, not of common Use in any Trade, but contrived for marking of Money round the Edges with Letters, Grainings, or other Marks or Figures resembling those on the Edges of Money coined in his Majesty's Mint, nor any Press for Coinage, nor any cutting Engine, for cutting round Blanks by Force of a Screw out of flatted Bars of Gold, Silver, or other Metal, nor shall knowingly buy or sell, hide or conceal, or without lawful Authority or sufficient Excuse for that Purpose, (1.) knowingly have in his, her or their Houses, Custody or Possession, any such Puncheon, Counter Puncheon, Matrix, Stamp, Dye, Edger, cutting Engine, or other Tool or Instrument before-mentioned; (2.) and if any Smith, Engra-

No Smith, &c. except employed in the Mint, &c. shall make or mend any Dye, &c. to stamp any current Coin of Gold or Silver, &c.

(1.) (2.) The Defendant had a Press, of the same Sort as those used in the Mint, but proper for certain Manufactures; not proved to be used in such Manufactures, or in counterfeiting the Coin of this Kingdom, but intended to be used in counterfeiting foreign Pieces;—Ruled, 1st. That a Press for Coinage was within the Act. 2d. (dissentiente Ryder C. J. and Foster) That the Facts stated were a sufficient Excuse; Bell's Case, Foster, 430, 1 E. P. C. ch. 4. § 17.—The dissentient Judges held that it was incumbent on the Defendant to shew a lawful Excuse; and that the Excuse alleged was not sufficient, and it appears that Sir M. Foster continued to retain the same Opinion.—An Indictment may be for possessing a *Mould*, which is one of the Articles mentioned in the preceding Part of the Section, without stating it to be a Tool or Instrument. The Allegation of its being a Mould, on which was im-

No. 63. 8 and 9 William III. c. 26.

ver, Founder or other Person or Persons whatsoever (other than and except as aforesaid) shall offend in any the Matters or Things aforesaid, then all and every such Offender and Offenders, their Counsellors, Procurers, Aiders and Abettors, shall be, and is and are hereby adjudged to be guilty of High Treason, and being of the said Offences, or any of them, convicted or attainted, according to the Order and Course of the Laws of this Realm, shall suffer Death as in case of High High Treason.

Offenders, &c. guilty of High Treason, and shall suffer Death.

Persons conveying out of the Mint any Puncheon, &c. and concealing the same, to be guilty of High Treason.

II. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, from and after the said fifteenth day of *May*, shall, without lawful Authority for that Purpose, wittingly or knowingly convey or assist in the conveying out of his Majesty's Mint in the Tower of *London*, or out of any other of his Majesty's Mints, any Puncheon, Counter Puncheon, Matrix, Dye, Stamp, Edger, Cutting Engine, Press, or other Tool, Engine or Instrument used for or about the coining of Monies there, or any useful Part of such Tools or Instruments, that then as well the said Person and Persons so offending, their Counsellors, Procurers, Aiders or Abettors, as also all and every Person and Persons knowingly receiving, hiding or concealing the same, shall be, and is and are hereby adjudged to be guilty of High Treason, and being of the said Offences, or any of them, convicted or attainted, according to the Order and Course of the Laws of this Realm, shall suffer Death as in case of High Treason.

Like Penalty on Persons mark-

III. And be it further enacted by the Authority aforesaid, That if any Person or Persons (other than the Persons em-

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pressed the Similitude of a Shilling, was held to be sufficiently proved, although the Evidence was of a Mould on which the Resemblance of one of the Sides of a Shilling was inverted: although the Judges thought it would have been more accurate to have described it as a Figure which would make the Figure of one of the Sides of a Shilling; Leonard's Case, 1 E. P. C. c. 4. § 17.—Upon an Indictment for Possession of Puncheons, upon which, as stated in the first Count were impressed the Figure, &c. of the Head Side of a Shilling, and, as stated in the second Count, which could make and Impress the Figure, &c.; it was proved that the Puncheon, consisted of a Shilling cut away to the Outline of the Head, and fixed upon a Piece of Steel cut close to the Outline, without Letters; which Puncheon makes the Die or Counter-puncheon; and which Puncheon alone, without the Die or Counter-puncheon, would not make the Figure:—Ruled, that the Case was sufficiently proved; as the Puncheon would, by means of the Counter-puncheon, make the Figure; and that it was not necessary that it should be an exact Figure, but if the Instrument would impress a Resemblance in point of Fact, such as would impose upon the World, it was sufficient, whether the Letters were apparent on the Puncheon or not. It was also agreed, that it was not necessary to prove that Money had been actually made with the Instrument; Ridgeley's Case, 1 E. P. C. c. 4. § 18.—In Welch's Case, Leach, 293, 1 E. c. 4. § 13, it was ruled, that an Indictment for counterfeiting the Likeness of a Shilling was supported by Proof of a Blank, without any Impression, being found by the Jury to be of the Likeness and Similitude; and from Ridgeley's Case, supra, it appears that whatever Resemblance would be sufficient with respect to actual counterfeiting, would also be sufficient with respect to the Possession, &c. of Tools or Instruments. In Varley's Case, 2 Bl. Rep. 682, it was ruled, that an irregular Piece, not rounded so as to be in a State to pass current, was incomplete, and did not amount to a Counterfeiting. In Salter's Case, Temp. Hard. 370, it was held that bare Possession of Stamps which would make print of the Figure of the current Coin, was not a Misdemeanour at Common Law.

ployed in his Majesty's Mint or Mints, (3.) or such as shall have Authority from the Lords Commissioners of the Treasury, or Lord High Treasurer of *England* for the Time being) shall after the said fifteenth Day of *May* mark on the Edges any of the current Coin of this Kingdom, or if any Person or Persons whatsoever shall mark on the Edges any of the diminished Coin of this Kingdom, or any Counterfeit Coin resembling the Coin of this Kingdom, with Letters or Grainings, or other Marks or Figures like unto those on the Edges of Money coined in his Majesty's Mint, every such Offence shall be, and is hereby adjudged to be High Treason, and the Offender and Offenders therein, his and their Counsellors, Procurers, Aiders and Abettors, being thereof convicted or attainted, according to the Order and Course of the Laws of this Realm, shall suffer Death as in case of High Treason.

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ing the Edges of any counterfeit Coin.

IV. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, after the said fifteenth day of *May*, shall colour, (4.) gild, or case over with Gold or Silver, or with any Wash or Materials producing the Colour of Gold or Silver, any Coin resembling any the current Coin of this Kingdom, or any round Blanks of base Metal, or of coarse Gold or coarse Silver of a fit Size and Figure to be coined into counterfeit milled (5.) Money resembling any the Gold or Silver Coin of this Kingdom, or if any Person or Persons shall gild over any Silver Blanks of a fit Size and Figure to be coined into Pieces resembling the current Gold Coin of this Kingdom, all and every such Person and Persons so offending, their Counsellors, Procurers, Aiders and Abettors, shall be, and is, and are hereby adjudged to be guilty of High Treason, and being convicted or attainted thereof, according to the Order and Course of the Laws of this Realm, shall suffer Death as in case of High Treason.

or colouring, gilding, &c. any Coin resembling the current Coin.

V. And be it further enacted by the Authority aforesaid, That if any Puncheon, Dye, Stamp, Edger, cutting Engine, Press, Flask, or other Tool, Instrument or Engine, used or designed for coining or counterfeiting Gold or Silver Monies, or any Part of such Tool or Engine, shall, at any Time after the said fifteenth day of *May*, be hid or concealed in any Place, or found in the House, Custody or Possession of any Person or Persons whatsoever, not then employed in the coining of Money in some of his Majesty's Mints, nor having the same by some lawful Authority, that then it shall and may be

Puncheon, Dye, &c. found in the Possession of any Person not employed in the Mints, may be seized and produced in Evidence.

(3.) It is necessary, in an Indictment on this Act, to allege that the Party was not employed, &c.; 1 East, c. 4. § 15.

(4.) Steeping round Blanks in Aquafortis, which exhibited the Appearance of lead, and by rubbing a little would readily pass current, (although they would not pass current in their then State) was ruled to be a complete Offence, as colouring; R. *v.* Case, (1795) 1 East, c. 14 § 14.—Steeping in a Wash which will extract the latent Silver, is a Colouring; the Act not being confined to such Colouring as is produced by some outward Application; (1776) R. *v.* Lang and Parker, ibid.

(5.) Milled Money means pressed, as distinguished from hammered. All the Money now current is milled; R. *v.* Bunning, 1 E. c. 4. § 27.; Dorrington's Case, and Jacob's Case, ibid.

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lawful to and for any Person or Persons whatsoever, discovering the same, to seize, and he and they are hereby required to seize the same, and to carry them forthwith to some Justice of Peace of the County, City, or Place where the same shall be so seized, and by him secured, to be produced in Evidence against any Person or Persons who shall or may be prosecuted for any such Offence, in some Court of Justice proper for the Determination thereof, and after such Time as they or any of them shall have been produced in Evidence, as well the same so produced, as the other so seized, and not made use of in Evidence, and every of them, shall forthwith, by Order of that Court where such Offender or Offenders shall be tried, or by Order, and in the Presence of such or some other Justice of the Peace, in case there be no such Trial, be totally defaced and destroyed; and if, after the said fifteenth Day of *May*, any counterfeit or unlawfully diminished Money shall be produced in any Court of Justice, either in Evidence against any Person or Persons for any Offence relating to the counterfeiting or unlawfully diminishing of Money, or otherwise, that then or immediately after Evidence given, the Judge or Judges of such Court shall cause such Monies to be cut in Pieces in open Court, or in the Presence of some Justice of the Peace, and then to be delivered to or for such Person or Persons to whom the same of Right shall appertain.

Counterfeit Money, &c. produced in Evidence to be cut in Pieces.

Persons blanching Copper for Sale, or mixing blanched Copper with Silver, &c.

'VI. And whereas several Mixtures of Metals have been 'invented in Imitation of Gold and Silver, and blanched 'Copper is principally made use of in Imitation of Silver, and 'seldom, if ever, for any honest or good Purpose;' Be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever after the said fifteenth day of *May*, shall blanch Copper for Sale, or mix blanched Copper with Silver, or knowingly buy or sell, or offer to Sale, blanched Copper alone, or mixed with Silver, or shall knowingly and fraudulently buy or sell, or offer to Sale, any malleable Composition or Mixture of Metals or Minerals, which shall be heavier than Silver, and look, and touch, and wear like Standard Gold, but be manifestly worse than Standard, or shall take, receive, pay, or put off, (6.) any counterfeit milled (7.) Money, or any milled Money whatsoever unlawfully diminished, and not cut in Pieces, at or for a lower Rate or Value than the same by its Denomination doth or shall import, or was coined or counterfeited for, that then all and every such Person and

to be guilty of Felony.

(6.) There must be an actual Putting-off.—The Prisoner took the Pieces to a Person who had agreed to purchase them at a certain Rate, and laid them down on a Table, where the other Person was proceeding to count them, and had counted part of the Heap when the Officers came in, but had not paid for such as she had selected; and it was ruled that the Case was not complete; Wooldridge's Case, Leach, 251, 1 East, c. 4. § 27. The Name of the Person to whom it is put off should be stated; or it should be alleged to be to a Person to the Jurors unknown; ibid.

(7.) See n. (5.) supra. It is not necessary that the Counterfeit should appear to have been milled. It is sufficient if it resembles the genuine milled or pressed Money; R. v. Bunning, ub. sup.

No. 63. 8 and 9 William III. c. 26.

Persons shall be deemed and adjudged guilty of Felony, and being thereof convicted or attainted, according to the Order and Course of the Laws of this Realm, shall suffer Death as in Case of Felony.

Attainder by this Act not to make Corruption of Blood, &c.

VII. Provided always, and be it enacted by the Authority aforesaid, That this Act, or any Thing therein contained, or any Attainder or Attainders of any Person or Persons for any Offence or Offences made Treason or Felony by this Act, shall not in any wise extend, or be judged, interpreted, or expounded, to make any Corruption of Blood to any the Heir or Heirs of any such Offender or Offenders, or to make the Wife of any such Offender to lose or forfeit her Dower of or in any Lands, Tenements, or Hereditaments, or her Title, Action, or Interest to the same; and that all and every Person or Persons that shall at any Time after the said fifteenth Day of *May* be accused or impeached of any the Offences made Treason or Felony by this Act, shall or may be indicted, arraigned, tried, convicted, or attainted, by such like Evidence, and in such Manner and Form, as now are or may by the Laws of this Realm be had or used against any Offender or Offenders for counterfeiting the King's Money; any Thing in this Act contained, or any other Law or Statute to the contrary notwithstanding.

Offences in 6 & 7 W. 3. c. 17. where to be heard.

VIII. And for the rendring more effectual an Act made in the sixth and seventh Years of his Majesty's Reign, intituled "An Act to prevent counterfeiting and clipping the Coin of this Kingdom;" be it enacted by the Authority aforesaid, That all and every the Crimes and Offences, specified and mentioned in the said Act, may be heard and determined upon Indictment or Presentment either in his Majesty's Court of King's Bench, or before the Justices of Oyer and Terminer, or Justices of Assize, or general Gaol Delivery.

Prosecution to be in three Months. By 9 & 10 W. 3. c. 21. § 1. any Person may deface counterfeit Money.

IX. Provided always, and be it enacted, That this Act shall continue and be in Force until the End of the next Session of Parliament, and no longer; and that no Prosecution shall be made for any Offence against this Act, unless such Prosecution be commenced within three (8.) Months after such Offence committed. [This Act made perpetual by 7 *Annæ*, cap. 25. sect. 3. and by sect. 2. the Makers or Menders of Tools are to be prosecuted within six Months.]

(8.) The Information and Proceeding before a Magistrate is a sufficient Commencement within the Act; R. *v.* Wallace, (1797) 1 East, P. C. c. 4. § 31.

No. 64.

9 and 10 William III. c. 21.—An Act for the better preventing the counterfeiting, clipping, and other diminishing the Coin of this Kingdom.

No. 64.
9 & 10 W. III. c. 21.

'WHEREAS the preventing the Currency of clipt and unlawfully diminished, and counterfeit Money, is a 'more effectual Means to preserve the Coin of this Kingdom 'intire and pure than the most rigorous Laws for the Punishment of such as diminish or counterfeit the same: And whereas by the known Laws of this Kingdom no Person ought to 'pay, or knowingly tender in Payment, any counterfeit or unlawful diminished Money, and all Persons not only may refuse 'to receive the same, but may, and by the antient Statutes and 'Ordinances of this Kingdom have been required to destroy 'and deface the same; and more especially the Tellers in the 'Receipt of the Exchequer, by their Duty and Oath of Office, 'are required to receive no Money but good and true; and 'to the End the same might the better be discerned and 'known, by the antient Course of the said Receipt of the 'Exchequer, all Money ought to be received there by Weight 'as well as by Tale: For the restoring of which Course, together 'with other Things, an Act was made in the last Session of 'this present Parliament, intituled, "An Act for the better 'Observation of the Course anciently used in the Receipt of 'the Exchequer," whereby amongst other Things it is enacted, That the respective Tellers of the said Receipt of the 'Exchequer, when any Money shall be brought to the said 'Receipt of the Exchequer, to be there paid, shall without 'Delay receive it, weighing the same in intire Sums or otherwise, and making due Entry of the Weight and Tale 'thereof, according to the antient Course; but no Provision is 'made in the said Act, that the said Tellers shall refuse to receive 'the said Money, in case it shall not be of its due Weight; and 'the former and ancient Laws being grown into Desuetude, 'whereby unlawfully diminished and counterfeit Money receive 'a currency, and wicked and traiterous Persons are encouraged 'to diminish and counterfeit the same: Now to the end the 'Kingdom, after so vast a Charge and Expence for the Reformation of the Silver Coin, and restoring it to its due Weight 'and Purity, may not relapse into the same Evil from which it 'hath been so lately delivered with great Difficulty and Hazard, 'and that counterfeit and unlawfully diminished Money, which 'already begins to increase, may be defaced and destroyed:' Be it declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by Authority of the same, That it is and shall be lawful to and for any Person, to whom any Silver Money shall be tendred, any Piece or Pieces whereof shall be diminished, otherwise than by reasonable wearing, or that by the Stamp,

8 & 9 W. 3. c. 28.

Any Person may cut or deface diminished or counterfeit Money, &c.

Impression, Colour, or Weight thereof, he shall suspect to be counterfeit, to cut, break, or deface such Piece or Pieces; and if any Piece so cut, broken or defaced, shall appear to be counterfeit, the Person tendring the same shall bear the Loss thereof; but if the same shall be of due Weight, and appear to be lawful Money, the Person that cut, broke, or defaced the same, shall, and is hereby required to take and receive the same, at the Rate it was coined for: and if any Question or Dispute shall arise, whether the Piece so cut be counterfeit, it shall be heard and finally determined by the Mayor, Bailiff or Bailiffs, or other Chief Officer of any City or Town Corporate, where such Tender shall be made; and if such Tender shall be made out of any City or Town Corporate, then by the next Justice of the Peace of the County, inhabiting or being near the Place where such Tender shall be made; and the said Mayor, or other Chief Officer, and Justice of the Peace, shall have full Power and Authority to administer an Oath as he shall see convenient, to any Person for the determining any Questions relating to the said Piece.

No. 64. 9 & 10 W. III. c. 21.

Mayor, &c. to determine Disputes.

II. And be it further enacted by the Authority aforesaid, That the Tellers of the Receipt of the Exchequer, and their Deputies and Clerks, and Receivers General of every Branch of his Majesty's Revenue, Aids, Impositions, Duties and Taxes, given or granted, or to be hereafter given or granted, shall and are hereby required, to cut, break or deface, or cause to be cut, broke or defaced, every Piece of counterfeit, or unlawfully diminished Silver Money, that shall be tendred in Payment to them to the Use of his Majesty, his Heirs or Successors, or for any Part of the Revenue, Aids, Impositions, Duties or Taxes of his Majesty, his Heirs or Successors; and the better to discover Silver Money that is counterfeit, or unlawfully diminished, from that which is good and true, the Tellers and Receivers General, and their respective Deputies and Clerks, shall weigh in whole Sums or otherwise, all Silver Money by them received; and if the same, or any Piece thereof, shall, by the Weight or otherwise, appear to be counterfeit, or unlawfully diminished, the same shall not be received by or from them in the said Receipt of the Exchequer, nor be allowed them upon their respective Accounts.

Officers of the Exchequer, &c. required to cut such Money so tendred, &c.

III. And be it further enacted by the Authority aforesaid, That an Act made the last Session of this present Parliament, intituled, "An Act for the better preventing the counterfeiting the current Coin of this Kingdom," and every Article and Clause therein contained, shall from henceforth continue and be of Force until the five and twentieth day of *March*, which shall be in the Year of our Lord one thousand seven hundred and one, and from thence to the End of the next Session of Parliament.

8 & 9 W. 3. c. 26 continued.

No. 65.

P. 1 Anne, stat. 1. c. 9.—An Act for continuing the Act made in the eighth Year of his late Majesty's Reign, for better preventing the counterfeiting the Current Coin of this Kingdom.

[I. 8 W. III. c. 26. 9 W. III. c. 21. continued till 1709.]

No. 65. 1 Anne, st. 1. c. 9.

Offenders may be prosecuted in six Months after Offence.

' II. AND whereas in the aforesaid Act it is ordained, That no Prosecution shall be made for any Offence ' against the said Act, unless such Prosecution be commenced ' within three Months after such Offence committed;' Be it further enacted by the Authority aforesaid, That the Prosecution of such Person or Persons as offend against the said Act, by making or mending, or beginning, or proceeding to make or mend any coining Tool or Instrument therein prohibited, or by marking of Money round the Edges with Letters or Grainings, may be commenced at any Time within six Months after such Offence committed; any Thing in the said Act to the contrary in any wise notwithstanding.

[III. Newcastle upon Tyne appointed one of the Places for marking wrought plate, &c.]

[IV. Goldsmiths, &c. of Newcastle incorporated, and may choose Wardens.]

[V. Silver Plate how to be made and marked, &c.—Company may elect an Assay Master, &c.]

No. 66.

P. 7 Anne c. 25.—An Act for making perpetual an Act for the better preventing the Counterfeiting the current Coin of this Kingdom, as also an Act for giving like Remedy upon Promissory Notes as is used upon Bills of Exchange, and for the better Payment of Inland Bills of Exchange; and also for continuing several Acts made in the fourth and fifth Year of her Majesty's Reign, for preventing Frauds committed by Bankrupts.

No. 66. 7 Anne, c. 25.

' WHEREAS the temporary Laws following, which by ' Experience have been found beneficial and useful, ' are expired or near expiring;' Therefore for continuing the same, be it enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act made in the Session of Parliament held in the eighth Year of the Reign of his late Majesty King *William* the Third of glorious Memory, intituled "An Act for the better preventing the Counterfeiting the current Coin of this Kingdom," which was to continue for one Year, was by a Clause in another Act

8 W. 3. c. 26.

made in the ninth Year of his said Majesty's Reign, continued in Force unto the five and twentieth Day of *March* one thousand seven hundred and one: which Act was further continued by an Act made in the first Year of her present Majesty's Reign, till the five and twentieth Day of *March* one thousand seven hundred and nine, and from thence to the End of the first Session of Parliament then next ensuing, shall be, and is hereby continued, and shall be in Force, and is hereby made perpetual.

No. 66. 7 Anne, c. 25.

9 W. 3. c. 2. 1 Annæ, stat. 1. c. 9.

'II. And whereas by an Act made in the eighth Year of 'his late Majesty's Reign, intituled "An Act for the better 'preventing the Counterfeiting the current Coin of this King-'dom," it is ordained, That no Prosecution shall be made for 'any Offence against the said Act, unless such Prosecution be 'commenced within three Months after such Offence commit-'ted;' Be it enacted by the Authority aforesaid, That the Prosecution of such Person or Persons as offend against the said Act, by making or mending, or beginning or proceeding to make or mend any coining Tool or Instrument therein prohibited, or by marking of Money round the Edges with Letters or Grainings, may be commenced at any Time within six Months after such Offence committed; any Thing in the said Act to the contrary in any wise notwithstanding.

The Prosecution of Offences against 8 W. 3. c. 26. may be commenced in 6 Months after the Offence.

No. 67.

6 George I. c. 11.—An Act for laying a Duty upon wrought Plate; and for applying Money arising for the clear Produce (by Sale of the forfeited Estates) towards answering his Majesty's Supply; and for taking off the Drawbacks upon Hops exported for *Ireland*; and for Payment of Annuities to be purchased after the Rate of four Pounds *per Centum per Annum* at the Exchequer, redeemable by Parliament; and for appropriating Supplies granted in this Session of Parliament; and to prevent counterfeiting Receipts and Warrants of the Officers of the *South-Sea* Company; and for explaining a late Act concerning foreign Salt cellared and locked up before the four and twentieth Day of *June* one thousand seven hundred and nineteen; and to give a further Time for paying Duties on certain Apprentices' Indentures; and for Relief of *Thomas Vernon*, Esq. in relation to a Parcel of Senna imported in the Year one thousand seven hundred and sixteen.

P.

[The Subject of this Section is not at all noticed in the Title.]

'XLI. AND whereas it may be requisite for encouraging 'the several Manufactures of wrought Plate, to 'continue both the Standard of Plate of eleven Ounces Ten-

No. 67. 6 George I. c. 11.

No. 67. 6 George I. c. 11.

'penny Weight *Troy*, and also the Standard of eleven Ounces 'Two-penny Weight *Troy*, for the better accommodating the 'Buyers of Plate and the Workers and Dealers therein;' Be it therefore enacted by the Authority aforesaid, That from and after the first Day of *June* one thousand seven hundred and twenty, all Silver Vessels of Plate or manufactured of Silver shall not be made less in Fineness than that of eleven Ounces Ten-penny Weight of fine Silver in every Pound *Troy*, or of Silver less in Fineness than eleven Ounces Two-penny Weight of fine Silver in every Pound *Troy*; which two different Standards of wrought Plate shall be severally and respectively marked with distinguishing Marks; (that is to say) Vessels made of Silver Plate or manufactured Silver not less in Fineness than eleven Ounces Ten-penny Weight of fine Silver in every Pound *Troy*, to be marked with the Workman's Mark, the Mark of the Wardens of the Mystery or Craft of the Goldsmiths, and with the Figure of a Lion's Head erased, and the Figure of a Woman called the *Britannia*; and all Vessels of Silver Plate or manufactured Silver not less in Fineness than eleven Ounces Two-penny Weight of fine Silver in every Pound *Troy*, and under the Degree of eleven Ounces Ten-penny Weight of fine Silver in every Pound *Troy*, shall be marked with the Workman's Mark, and the Wardens of the Mystery or Craft of Goldsmiths as aforesaid, and with the Figure of a Lion passant, and the Figure of a Leopard's Head; and that it shall not be lawful to make any Vessels of Silver Plate or Manufactures of Silver of a coarser Allay than what is herein specified, under the Penalties and Forfeitures prescribed by any of the Laws now in Being concerning wrought Plate; any Thing in this Act or any other Act or Acts to the contrary notwithstanding.

The two different Standards of wrought Plate continued.

The distinguishing Marks for the two Standards.

No Plate to be of a coarser Allay.

No. 68.

P. 12 George II. c. 26.—An Act for the better preventing Frauds and Abuses in Gold and Silver Wares.

No. 68. 12 George II. c. 26.

'I. AND whereas the Standards of the Plate of this Kingdom are both for the Honour and Riches of the 'Realm, and so highly concern his Majesty's Subjects, that 'the same ought to be most carefully observed, and all 'Deceits therein to be prevented as much as possible; but 'notwithstanding the aforesaid several Acts of Parliament and 'Charters, great Frauds are daily committed in the manufac'turing of Gold and Silver Wares, for want of sufficient 'Power effectually to prevent the same;' Now for remedying such Abuses for the future, may it please your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-eighth Day of *May* one thou-

Fineness of

sand seven hundred and thirty-nine, no Goldsmith, Silversmith, or other Person whatsoever making, trading, or dealing in Gold or Silver Wares, within that Part of *Great Britain* called *England*, shall work or make, or cause or procure to be wrought or made, any Gold Vessel, Plate, or Manufacture of Gold whatsoever, less in Fineness than twenty-two Carracts of fine Gold in every Pound Weight Troy; nor work or make, or cause or procure to be wrought or made any Silver Vessel, Plate, or Manufacture of Silver whatsoever, less in Fineness than eleven Ounces two Penny Weight of fine Silver in every Pound Weight Troy; nor sell, exchange, or expose to Sale, or export out of this Kingdom, any Gold Vessel, Plate, or Manufacture of Gold whatsoever, made after the said twenty-eighth Day of *May* one thousand seven hundred and thirty-nine, less in Fineness than twenty-two Carracts of fine Gold in every Pound Weight Troy; nor sell, exchange, or expose to Sale, or export out of this Kingdom, any Silver Vessel, Plate, or Manufacture of Silver whatsoever, made after the said twenty-eighth Day of *May* one thousand seven hundred and thirty-nine, less in Fineness than eleven Ounces two Penny Weight of fine Silver in every Pound Weight Troy; upon Pain that every such Goldsmith, Silversmith, or other Person for every such Offence shall forfeit and pay the Sum of ten Pounds, to be recovered and disposed of as herein after is mentioned; and for Default of Payment the Offender shall be committed by the Court, in which Judgement shall be given thereon, to the House of Correction for the County, City, or Liberty where convicted; there to remain, and be kept to hard Labour, for any Time not exceeding the Space of six Months, or until Payment be made of the said Forfeiture.

No. 68.
12 George II. c. 26.
Gold and Silver Wares limited.

[III. How Shopkeepers exempted from Prosecutions.]

[IV. No Trials against them, but within four Terms.]

[V. Penalty on selling or exporting Gold or Silver Wares before marked.]

[VI. Wares excepted.]

[VII. Penalty in 12 W. 3. c. 4. § 8, repealed.]

[VIII. £100 Penalty on forging Stamps. This Clause is repealed by 31 Geo. II. c. 32, which makes forging Stamps, &c. Felony without Benefit of Clergy.]

[IX. Clause to prevent the private working of Silver Plate. 6 G. I. c. 11.]

[X. No Drawback on Exportation of Silver Plate above seven Years old.]

[XI. Wardens to determine Quantity of Soder.]

[XII. Appeal.]

[XIII. Prices for assaying wrought Plate limited.]

[XVII. Penalty on refusing to pay the assaying, &c.]

[XVIII. Same Prices at York, Exeter, &c.]

[XIX. Overplus (if any) how to be applied.]

[XX. Assay-Office to be kept open from 7 till 9 in the Morning, &c.]

[XXI. Penalty on not entering new Marks, &c.]

[XXII. Forfeitures how to be recovered.]

[XXIII. Limitation of Actions.—General Issue.—Treble Costs.]

[XXIV. Public Act.]

No. 69.

15 George II. c. 28.—An Act for the more effectual preventing the counterfeiting of the Current Coin of this Kingdom, and the uttering or paying false or counterfeit Coin.

No. 69. 15 George II. c. 28.

BE it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person whatsoever shall, after the twenty-ninth Day of *September* in the year of our Lord one thousand seven hundred and forty-two, wash, gild, or colour any of the lawful Silver Coin called a *Shilling* or a *Sixpence*, or any counterfeit or false Shilling or Sixpence, or add to or alter the Impression, or any Part of the Impression, of either Side of such lawful or counterfeit Shilling or Sixpence, with Intent to make such Shilling resemble or look like, or pass for a Piece of lawful Gold Coin called a *Guinea*, or with Intent to make such Sixpence resemble or look like, or pass for a Piece of lawful Gold Coin called an *Half-Guinea*; or shall file, or any wise alter, wash, or colour any of the Brass Monies called *Halfpennies* or *Farthings*, or add to or alter the Impression, or any Part of the Impression of either Side of an Halfpenny or Farthing, with Intent to make an Halfpenny resemble or look like, or pass for a lawful Shilling, or with Intent to make a Farthing resemble or look like, or pass for a lawful Sixpence, the Person and Persons so offending in any of the Matters aforesaid, their Counsellors, Aiders, Abettors, and Procurers, shall be, and is and are hereby adjudged to be guilty of High Treason.

High Treason to gild Silver Coin, &c.

'II. And whereas the uttering of false Money, knowing 'it to be false, is a Crime frequently committed all over the 'Kingdom, and the Offenders therein are not deterred, by 'reason that it is only a Misdemeanor, and the Punishment 'very often but small, though there be great Reason to 'believe, that the common Utterers of such false Money are 'either themselves the Coiners, or in Confederacy with the 'Coiners thereof:' For preventing whereof, Be it hereby further enacted by the Authority aforesaid, That if any Person whatsoever shall, after the said twenty-ninth Day of *September*, utter or tender in Payment any false or counterfeit Money (1)

Uttering false Money knowingly six Months Imprisonment,

(1.) This only applies to Gold and Silver; and an Indictment for uttering counterfeit Copper Money cannot be sustained at Common Law; Criwan's Case, 1 East, P. C. c. 4, § 28. There have been several attempts to prosecute for the mere Possession of base Coin, but it has been lately decided that such an Indictment could not be sustained. In a Case before the late Ch. Baron Thomson, Lancaster Spring Assizes, 1816, the Indictment was for procuring counterfeit Money with Intent to utter, which was contended to be an Act, and therefore indictable. The only Evidence being of Possession of counterfeit Money, under such Circumstances as shewed an Intent to utter, the learned Judge was of Opinion that the Case was not proved: —he also held that the Procuring must be proved to be within the County.

knowing the same to be false or counterfeit, to any Person or Persons, and shall be thereof convicted, such Person so offending shall suffer six Months Imprisonment, and find Sureties for his or her good Behaviour for six Months more, to be computed from the End of the said first six Months; and if the same Person shall afterwards be convicted a second Time of the like Offence of uttering or tendering in Payment any false or counterfeit Money, knowing the same to be so, such Person shall for such second Offence, suffer two Years Imprisonment, and find Sureties for his or her good Behaviour for two Years more, to be computed from the End of the said first two Years; and if the same Person shall afterwards offend a third Time in uttering or tendering in Payment any false or counterfeit Money, knowing the same to be so, and shall be convicted of such third Offence, he or she shall be and is hereby adjudged to be guilty of Felony without Benefit of Clergy.

No. 69. 15 George II. c. 28.

and Security for two Years more.

For second Offence two Years Imprisonment, and Security for two Years.

For third Offence, Felony without Clergy.

III. And it is hereby further enacted by the Authority aforesaid, That if any Person whatsoever shall after the said twenty-ninth day of *September* utter or tender in Payment any false or counterfeit Money, knowing the same to be false or counterfeit, to any Person or Persons, and shall either the same Day, (2.) or within the Space of ten Days then next, utter or tender in Payment any more or other false or counterfeit Money, knowing the same to be false or counterfeit, to the same Person or Persons, or to any other Person or Persons, or shall at the Time of such uttering or tendering have about him or her, in his or her Custody, one or more Piece or Pieces of counterfeit Money, besides what was so uttered or tendered, then such Person so uttering or tendering the same shall be deemed and taken to be a common Utterer of false Money, and being thereof convicted shall suffer a Year's Imprisonment, and shall find Sureties for his or her good Behaviour for two Years more, to be computed from the End of the said Year; and if any Person having been once so convicted as a common Utterer of false Money, shall afterwards again utter or tender in Payment any false or counterfeit Money to any Person or Persons, knowing the same to be false or counterfeit, then such Person, being thereof convicted, shall for such second Offence be and is hereby adjudged to be guilty of Felony without Benefit of Clergy. (3.)

Uttering false Money twice within ten Days,

or having other false Money in Custody, to suffer a Year's Imprisonment, &c.

Subsequent Offence, Felony without Clergy.

It seems desirable that there should be a legislative Provision upon the Subject; and Q. Whether it would not be an Improvement to allow a greater Latitude of Discretion in the Punishment for uttering?

(2.) Where two Utterings were charged in the same Day, in two Counts, and without a distinct Averment that the second Uttering was on the same Day as the first, it was thought adviseable only to give Judgment for six Months' Imprisonment singly, and not on each of the Counts; Eliz. Tandy's Case, 1 East, ch. 4, § 29.

(3.) It is not necessary to state in the Indictment for the greater Offence, that the Defendant was a *common Utterer;* nor that he should have been adjudged such in order to support an Indictment for Felony upon a subsequent Uttering; Smith's Case, 1 E. P. C. ch. 4, § 29. 2 B. and P. 127. R. *v.* Michael, 2 Leach, (4th. Edit.) 238. 1 East, Add. xix.

No. 69. 15 George II. c. 28.

Blood not corrupted.

IV. And it is hereby further enacted by the Authority aforesaid, That the Person or Persons convicted of any of the Treasons and Felonies respectively herein before mentioned, shall suffer Death as in case of High Treason and Felony respectively; but the Blood of the Heirs of such Offender shall not be thereby corrupted, nor shall his Wife thereby forfeit or lose her Dower out of or in his Lands or real Estate.

Evidence to be the same as now used against counterfeiting the Coin.

V. And it is hereby further enacted, That the Person and Persons that shall be guilty of any of the Treasons, Felonies, or Crimes aforesaid, shall be indicted, arraigned, tried, and convicted by such like Evidence, and in such Manner as is now used and allowed against any Offenders for counterfeiting the lawful Coin; provided that there shall be no Prosecution for any of the Offences made Treason or Felony by this Act, unless such Prosecution be commenced within six Months next after such Offence shall be committed.

Coiners of Copper Money to be imprisoned two Years.

'VI. And whereas the coining or counterfeiting any of the 'Copper Money of this Kingdom is only a Misdemeanor, and 'the Punishment often very small;' Be it hereby further enacted by the Authority aforesaid, That if any Person whatsoever, shall after the said twenty-ninth day of *September*, make, coin, or counterfeit any Brass or Copper Money, commonly called a Halfpenny, or a Farthing, such Person offending therein, and his, her, and their Aiders, Abettors, and Procurers being thereof convicted, shall suffer two Years Imprisonment, and find Sureties for his or her good Behaviour for two Years more, to be computed from the End of the said first two Years. (4.)

40l. for convicting a Person of Treason or Felony: And 10l. for convicting a Person of counterfeiting Copper Money. Certificate to be given by the Judge.

VII. And it is hereby further enacted, That whoever shall after the said twenty-ninth Day of *September* apprehend any Person or Persons who have committed any of the Offences hereby made High Treason or Felony, or who shall have made or counterfeited any of the Copper Money aforesaid, and shall prosecute such Offenders, until he, she, or they shall be thereof convicted, such Prosecutor and Prosecutors shall have and receive from the Sheriff or Sheriffs of the County or City, where such Conviction shall be made, for every such Offender so convicted of any of the Treasons or Felonies aforesaid, the Sum of forty Pounds; and for every Person so convicted of counterfeiting any of the said Copper Money, the Sum of ten Pounds, without paying any Fee for the same, within one Month after such Conviction, and Demand thereof made, by tendering a Certificate to the said Sheriff or Sheriffs for the Time being, or his or their Under-Sheriff, under the Hands of the Judge or Justices before whom such Conviction shall have been made, certifying such Conviction, and that the Offender or Offenders were apprehended and prosecuted by the Persons claiming the said Reward, and thereby directing in what Shares and Proportions the said Reward shall be paid and divided to and amongst such Prosecutor or Prosecu-

(4.) Q. If not repealed by Stat. 11. G. III. c. 40, making the Offence a Felony.

tors; which Certificate the said Judge or Justices are hereby required to give without Delay or Fee; and if the said Sheriff or Sheriffs shall not pay the said Reward accordingly, within the Time aforesaid, he or they shall forfeit to such Prosecutor and Prosecutors severally, double the Sum which by the said Certificate shall be directed to be severally paid to them, to be recovered by him, her, or them, or his, her, or their Executors or Administrators, in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, or Information, with Treble Costs of Suit, expended or paid in recovering the same; and such Sheriff or Sheriffs shall be allowed, or may deduct such Rewards, upon his or their accounting with his Majesty, without any Fee to be paid in respect thereof; and if he or they shall not on passing such Account have Money sufficient in his or their Hands to answer what shall have been paid for such Rewards, then the same shall be repaid by the Lord Treasurer, or Commissioners of the Treasury for the Time being, out of the Revenues of the Crown, on Certificate for that Purpose from the Clerk of the Pipe.

No. 69. 15 George II. c. 28.

Penalty on the Sheriffs not paying the Reward.

Sheriff to be allowed such Payments in his Accounts, &c.

VIII. And be it hereby further enacted by the Authority aforesaid, That whoever being out of Prison, shall after the said twenty-ninth Day of *September*, commit any of the Offences aforesaid, and shall afterwards discover two or more Persons, who shall after the Time aforesaid have committed any of the said Offences, so as such two or more Persons shall be thereof convicted, such Discoverer shall have, and is hereby intitled to his Majesty's most gracious Pardon for such his or her Offences.

If Offenders, being out of Prison, impeach two others, they shall be pardoned.

IX. And be it hereby further enacted, That if any Person shall be convicted of uttering or tendering any false or counterfeit Money as aforesaid, and shall afterwards be guilty of the like Offence, in any other County or City, the Clerk of the Assize, or the Clerk of the Peace for the County or City where such Conviction was so had, shall at the Request of the Prosecutor, or any other on his Majesty's Behalf, certify the same by a Transcript in a few Words, containing the Effect and Tenor of such Conviction; for which Certificate two Shillings and Sixpence, and no more, shall be paid; and such Certificate being produced in Court, shall be sufficient Proof of such former Conviction.

Manner of prosecuting a second Offence in another County.

Offences against this Act are excepted out of the general Pardon. 20 Geo. 2. c. 52.

'X. And whereas by an Act made in the seventh Year of the Reign of her late Majesty Queen *Anne*, intituled "An Act for the continuing the former Act, for the Encouragement of Coinage, and to encourage the bringing Foreign Coins, and *British* or Foreign Plate to be coined, and for making Provision for the Mints in *Scotland*, and for the prosecuting Offences concerning the Coin in *England*," there is a limited Sum of four hundred Pounds a Year, directed to be allowed out of the Coinage Duty for the Expences of prosecuting Offenders against the Laws relating to the Coin; which Sum for several Years last past has proved greatly deficient, insomuch that there appears to have been expended for the carrying on of

7 Anne, c. 24, § 4.

No. 69. 15 George II. c. 28.

'those Prosecutions, the Sum of seven hundred and two Pounds 'three Shillings and seven Pence, over and above the Sum of 'four hundred Pounds per Annum allowed for that Service; 'and as the Law now stands, the said Sum of seven hundred 'and two Pounds three Shillings and seven Pence, cannot be 'brought to Account;' Be it therefore further enacted, That the Lord High Treasurer, or the Lords Commissioners of the Treasury for the Time being, shall and may, out of the Money arising by the Coinage Duty, order and allow such further Sums of Money as the Expences of the said Prosecutions have in such last Years amounted to, over and above the said four hundred Pounds a Year: and also shall and may, at all Times hereafter, order and allow out of the Money arising by the said Coinage Duty such Sums of Money, for defraying the future Expences of the said Prosecutions, as he or they shall see fit, provided the said Expences do not, in any one Year, exceed the Sum of six hundred Pounds. (1.)

Arrears of Charges of Prosecution to be allowed.

Future Expences settled.

No. 70.

11 George III. c. 40.—An Act for the more effectually preventing the counterfeiting the Copper Coin of this Realm.

No. 70. 11 George III.

'WHEREAS the coining or counterfeiting any of the 'Copper Monies of this Realm being punishable only 'as a Misdemeanor, the Practice thereof hath of late Years 'greatly prevailed, and is likely to continue to increase, to the 'great Prejudice of Trade, and the manifest Wrong and In'jury of his Majesty's Subjects:' For Redress of which growing Mischief, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, from and after the twenty-fourth Day of *June*, one thousand seven hundred and seventy-one, make, coin, or counterfeit, any of the Copper Monies of this Realm, commonly called *an Halfpenny*, or *a Farthing*, such Person or Persons offending therein, and his, her, or their Counsellors, Aiders, Abetters, and Procurers, shall be adjudged guilty of Felony.

Counterfeiting Copper Halfpence or Farthings adjudged Felony.

Buying, &c. counterfeit Money,

II. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the said twenty-fourth Day of *June*, one thousand seven hundred and seventy-one, buy, sell, take, receive, pay, or put off any counterfeit Copper Money, not melted down, or cut in Pieces, at or for a lower Rate or Value than the same, by its Denomination, doth or shall import, or was counterfeited for, every such Person and Persons shall be adjudged guilty of Felony.

Felony.

(1.) The Sum of £5000 is now usually allotted for this Purpose by the Annual Appropriation Act.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any one Justice of the Peace, on Complaint made before him upon the Oath of one credible Person, that there is just Cause to suspect that any one or more Person or Persons is or hath been concerned in counterfeiting the Copper Monies of this Realm, by Warrant under his Hand, to cause the Dwelling-house, Room, Workshop, Outhouse, Yard, Garden, or other Place belonging to such suspected Person or Persons, to be searched for Tools and Implements for coining such Copper Monies; and if any such Tools or Implements shall at any time be found hid or concealed in any Place so searched, or be found in the Custody or Possession of any Person or Persons whatsoever, not then employed in the coining of Money in some of his Majesty's Mints, nor having the same by some lawful Authority, that then it shall and may be lawful to and for any Person or Persons whatsoever discovering the same, to seize, and he and they are hereby authorised and required to seize the same, and to carry them forthwith to some Justice of the Peace of the County, City, or Place where the same shall be seized, who shall cause the same to be secured and produced in Evidence against any Person or Persons who shall or may be prosecuted for any of the Offences aforesaid, in some Court of Justice proper for the Determination thereof; and after such Time as they, or any of them shall have been produced in Evidence, as well the same so produced as the other so seized and not made Use of in Evidence, and every of them, shall forthwith, by Order of that Court where such Offender or Offenders shall be tried, or by Order of such or some other Justice of the Peace, in case there be no such Trial, be defaced and destroyed, or otherwise disposed of, as such Court, or such Justice, shall direct.

No. 70. 11 George III. c. 40

Justices to cause Houses to be searched.

Persons discovering Tools, may seize same, &c.

No. 71.

13 George III. c. 71.—An Act for the better preventing the counterfeiting, clipping, and other diminishing the Gold Coin in this Kingdom.

No. 71. 13 George III. c. 71.

'WHEREAS the preventing the Currency of clipped and ' unlawfully diminished and counterfeit Money is a ' more effectual Means to preserve the Coin of this Kingdom ' entire and pure, than the most rigorous Laws for the Punish- ' ment of such as diminish or counterfeit the same: And where- ' as, by the known Laws of this Kingdom, no Person ought to ' pay, or knowingly tender in Payment, any counterfeit or ' unlawfully diminished Money, and all Persons may not only ' refuse the same, but may, and by the ancient Statutes and ' Ordinances of this Kingdom have been required to destroy and ' deface the same, and more particularly the Tellers in the ' Receipt of the Exchequer, by their Duty and Oath of Office, ' are required to receive no Money but good and true; and to

No. 71. 13 George III. c. 71.

'the End the same might be the better discerned and known, 'by the ancient Course of the said Receipt of the Exchequer, 'all Money ought to be received there by Weight as well as 'Tale: And whereas, by an Act, passed in the ninth and 'tenth Years of the Reign of the late King *William* the Third, '(intituled, "An Act for the better preventing the counter-'feiting, clipping, and other diminishing the Coin of this 'Kingdom,") Provisions are made for preventing the Cur-'rency of clipped and counterfeit Silver Money, but respecting 'the Gold Money no Provision is thereby made;' be it declared and enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it is and shall be lawful to and for any Person to whom any Gold Money shall be tendered, any Piece or Pieces whereof shall be diminished otherwise than by reasonable wearing, or that by the Stamp, Impression, Colour, or Weight thereof, he shall suspect to be counterfeit, to cut, break, or deface such Piece or Pieces; and if any Piece so cut, broken, or defaced, shall appear to be diminished (otherwise than by reasonable wearing) or counterfeit, the Person tendering the same shall bear the Loss thereof; but if the same shall be of due Weight, and appear to be lawful Money, the Person that cut, broke, or defaced the same, shall, and is hereby required to take and receive the same at the Rate it was coined for; and if any Question or Dispute shall arise, whether the Piece so cut be counterfeit or diminished, in Manner aforesaid, it shall be heard and finally determined by the Mayor, Bailiff or Bailiffs, or other Chief Officer, of any City or Town Corporate, where such Tender shall be made; and if such Tender shall be made out of any City or Town Corporate, then by some Justice of the Peace of the County inhabiting or being near the Place where such Tender shall be made; and the said Mayor, or other Chief Officer, and Justice of the Peace, shall have full Power and Authority to administer an Oath, as he shall see convenient, to any Person, for the determining any Questions relating to the said Piece.

9 and 10 Gul. 3.

Persons to whom Gold shall be tendered, diminished, &c., may cut or deface such Money, &c.

Tellers of the Exchequer are to cut or deface Gold Money unlawfully diminished.

II. And be it further enacted by the Authority aforesaid, That the Tellers at the Receipt of his Majesty's Exchequer, and their Deputies and Clerks, shall, and they are hereby required, to cut, break, or deface, or cause to be cut, broken, or defaced, every Piece of counterfeit or unlawfully diminished Gold Money that shall be tendered in Payment to them, to the Use of his Majesty, his Heirs or Successors, or for or in respect of any Part of the Revenue, Aids, Impositions, Duties, or Taxes, of his Majesty, his Heirs or Successors: And the better to discover Gold Money that is counterfeit, or unlawfully diminished, from that which is good and true, the said Tellers, and their respective Deputies and Clerks, shall weigh in whole Sums, or otherwise, all Gold Money by them received; and if the same, or any Piece thereof, shall, by the Weight, or otherwise, appear to be counterfeit, or unlawfully diminished,

the same shall not be received by or from them, in the said Receipt of the Exchequer, nor be allowed them upon their respective Accounts.

No. 71. 13 George II. c. 71.

No. 72.

14 George III. c. 42.—An Act to prohibit the Importation of light Silver Coin of this Realm, from Foreign Countries, into *Great Britain* or *Ireland*; and to restrain the Tender thereof beyond a certain Sum.

[Made perpetual, 39 George III. c. 75.]

No. 72. 14 George III. c. 42.

'WHEREAS considerable Quantities of old Silver Coin of 'this Realm, or Coin purporting to be such, greatly 'below the Standard of the Mint in Weight, have been lately 'imported into this Kingdom, and it is expedient that some 'Provision should now be made to prevent a Practice which 'may be carried on at this Time, to the very great Detri-'ment of the Publick;' be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *June*, one thousand seven hundred and seventy-four, all Silver Coin of this Realm, or any Money purporting to be the Silver Coin of this Realm, which is not of the established Standard of the Mint in Weight and Fineness, shall be prohibited to be imported or brought into the Kingdoms of *Great Britain* or *Ireland* from Foreign Countries; and if any Silver Coin being, or purporting to be, the Coin of this Realm, exceeding in Amount the Sum of five Pounds, shall be found, by any Officer of his Majesty's Customs, on board any Ship or Vessel, in any Port, Harbour, Haven, or Creek, or in any Boat, Barge, or other Vessel, upon the Water, within the said Kingdoms, or in the Custody of any Person coming directly from the Waterside, or upon the Information of one or more Person or Persons in any House, Shop, Cellar, Warehouse, Room, or other Place, on a Search there made in such Manner as in and by an Act made in the fourteenth Year of the Reign of the late King *Charles* the Second, intituled, "An Act for preventing Frauds, and regulating Abuses, in his Majesty's Customs," is mentioned and directed, if such Search is made in *Great Britain*, or according to the Manner directed by any Act of Parliament made in *Ireland*, relative to the searching for uncustomed and prohibited Goods in that Kingdom, if such Search is made there, it shall and may be lawful for such Officer to stop and put such Coin in his Majesty's Custom-house Warehouse, in the Port next to the Place where such Stop shall be made: And if it shall appear, upon Examination there, to the Collector, or other principal Officer of the Customs of the said Port or Place, that such Silver Coin is of the esta-

Coin of this Kingdom, or purporting so to be, not of the established Standard, prohibited to be brought into this Kingdom, &c.

If such Silver Coin Standard to be restored, &c.

No. 72
14 George III. c. 42.

lished Standard of the Mint in Weight and Fineness, the same shall, upon Demand, be forthwith delivered to the Owner or Proprietor thereof, without Fee or Reward; and such Officer or Officers, or any Person or Persons acting in his or their Aid or Assistance, shall not be liable to any Action, Suit, or Prosecution, for searching, stopping or detaining the same; but if such Coin, or any Part thereof, shall be less in Weight than the established Standard of the Mint, that is to say, at and after the Rate of sixty-two Shillings to every Pound Troy, whether the same be in Crowns, Half-Crowns, Shillings, Sixpences, or Pieces of a lower Denomination, or of less Fineness than eleven Ounces two Penny-weights of fine Silver, and eighteen Penny-weights of Alloy in the Pound Troy, the same, or such Part thereof as shall be deficient either in Weight or Fineness, as aforesaid, shall be forfeited, and shall and may be seized by any Officer of the Customs, and prosecuted in any Court of Record in *Westminster* or *Dublin*, or in the Court of Exchequer at *Edinburgh*; or if such Coin shall not amount in Value to the Sum of twenty Pounds; in that Case the same shall and may be prosecuted in a summary Way before any two of his Majesty's Justices of the Peace for the County, City, or Place where such Seizure shall be made, at the Election of the Commissioners of his Majesty's Customs in *Great Britain*, or the Commissioners of Revenue in *Ireland*, or any three or more of them respectively, in such and the like Manner, and by the same Rules and Regulations, as any Forfeiture incurred by any Law of the Revenue may be sued for and recovered, in the Kingdom of *Great Britain* or *Ireland* respectively: And after Condemnation, the same shall be melted down, cut, or otherwise defaced, in such Manner as the said Commissioners of his Majesty's Customs and Revenue respectively shall direct; and one Moiety of the Produce arising by the Sale thereof, after being so melted down, cut, or defaced (first deducting the Charges of Prosecution and Sale), shall be to the Use of his Majesty, his Heirs and Successors, and the other Moiety to such Officer of the Customs as shall sue and prosecute for the same.

After Condemnation, to be melted down, &c.

No Tender exceeding 25l.

II. And be it further enacted by the Authority aforesaid, That no Tender in the Payment of Money made in the Silver Coin of this Realm of any Sum exceeding the Sum of twenty-five Pounds, at any one Time, shall be reputed in Law, or allowed to be a legal Tender within *Great Britain* or *Ireland*, for more than according to its Value by Weight, after the Rate of five Shillings and two Pence for each Ounce of Silver; and no Person to whom such Tender shall be made shall be anyways bound thereby, or obliged to receive the same in Payment, in any other Manner than as aforesaid; any Law, Statute, or Usage, to the contrary notwithstanding.

Continuance of this Act.

III. And be it further enacted by the Authority aforesaid, That this Act shall continue in Force until the first Day of *May*, one thousand seven hundred and seventy-six, and from thence to the End of the then next Session of Parliament.

No. 73.

14 George III. c. 92.—An Act for regulating and ascertaining the Weights to be made use of in weighing the Gold and Silver Coin of this Kingdom.

No. 74.

30 George III. c. 31.—An Act to alter so much of an Act, made in the twelfth Year of the Reign of his late Majesty King *George* the Second, intituled, "An Act for the better preventing Frauds and Abuses in Gold and Silver Wares;" and also so much of another Act, made in the twenty-fourth Year of the Reign of his present Majesty, intituled, "An Act for granting to his Majesty certain Duties on all Gold and Silver Plate imported, and also certain Duties on all Gold and Silver wrought Plate made in *Great Britain*," as relates to the marking of Silver Wares.

No. 75.

37 George III. c. 126.—An Act to prevent the counterfeiting any Copper Coin in this Realm made, or to be made, current by Proclamation, or any Foreign Gold or Silver Coin; and to prevent the bringing into this Realm, or uttering, any counterfeit Foreign Gold or Silver Coin.—[19*th. July* 1797.]

No. 75. 37 George III. c. 126.

'WHEREAS the Commons of *Great Britain*, in Parliament assembled, by their unanimous Address to his Majesty, have requested that his Majesty would be graciously pleased to give Directions that Measures might be taken for procuring an immediate Supply of such Copper Coinage as might be best adapted to the Payment of the laborious Poor; and it is necessary that so much of the Provisions contained in an Act, passed in the fifteenth Year of the Reign of his late Majesty King *George* the Second, intituled, "An Act for the more effectual preventing the counterfeiting of the Current Coin of this Kingdom, and the uttering or paying false or counterfeit Coin," as relates to the Copper Monies of this Realm commonly called *an Halfpenny* and *a Farthing*; and also the Provisions contained in an Act, passed in the eleventh Year of his present Majesty's Reign, intituled, "An Act for the more effectually preventing the counterfeiting the Copper Coin of this Realm;" and all other Provisions made

15 Geo. 2. c. 28. and 11 Geo. 3. c. 40. recited.

No. 75. 37 George III. c. 126.

'by Law concerning the Copper Monies of this Realm commonly called *an Halfpenny* and *a Farthing*, should be extended to such Copper Money as may be coined and issued 'in pursuance of such Address, and all other Copper Monies 'of this Realm, which may be hereafter coined and issued by 'his Majesty's Authority:" Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, so much of the said Act, passed in the fifteenth Year of the Reign of his late Majesty King *George* the Second, intituled, "An Act for the more effectual preventing the counterfeiting of the Current Coin of this Kingdom, and the uttering or paying false or counterfeit Coin," as relates to the Copper Monies of this Realm commonly called *an Halfpenny* and *a Farthing*; and also the said Act of the eleventh Year of his Majesty's Reign, intituled, "An Act for the more effectually preventing the counterfeiting the Copper Coin of this Realm;" and all and every other Acts and Act of Parliament concerning the Copper Monies of this Realm commonly called *an Halfpenny* and *a Farthing*, or any other Copper Money of this Realm, shall extend, and be construed, deemed, and taken to extend, to all such Pieces of Copper Money as shall be coined and issued by Order of his Majesty, his Heirs and Successors, and as shall, by his or their Royal Proclamation, be ordered to be deemed and taken as Current Money of this Realm; and that all and every the Provisions in such Acts, or any of them contained, shall extend, and be construed, deemed, and taken to extend, to all such other Pieces of Copper Money as aforesaid, in such and the same Manner as if such Pieces had been particularly mentioned and described in such Acts respectively.

So much of first recited Act, as relates to Halfpence and Farthings, and the last recited Act, and all others relating to Copper Money of this Realm, to extend to all Copper Money ordered by Proclamation to be taken as Current Money.

II. 'And whereas the Practice of counterfeiting Foreign 'Gold and Silver Coin, and the bringing into this Realm, and 'uttering within the same, false and counterfeit Foreign Gold 'and Silver Coin, and particularly Pieces of Gold Coin commonly called *Louis d'Or*, and Pieces of Silver Coin commonly called *Dollars*, hath of late greatly increased; and it 'is expedient that Provision should be made more effectually 'to prevent the same;' be it enacted, That if any Person or Persons shall, from and after the passing of this Act, make, coin, or counterfeit any Kind of Coin not the proper Coin of this Realm, nor permitted to be current within the same, but resembling, or made with Intent to resemble, or look like any Gold or Silver Coin of any Foreign Prince, State, or Country, or to pass as such Foreign Coin, such Person or Persons offending therein, shall be deemed and adjudged to be guilty of Felony, and may be transported for any Term of Years not exceeding seven Years.

Persons counterfeiting Foreign Gold or Silver Coin guilty of Felony, punishable by seven Years' Transportation.

III. And be it further enacted, That if any Person or Persons shall, from and after the passing of this Act, bring into

as also Persons bringing it into

this Realm any such false or counterfeit Coin as aforesaid, resembling, or made with Intent to resemble or look like, any Gold or Silver Coin of any Foreign Prince, State, or Country, or to pass as such Foreign Coin, knowing the same to be false or counterfeit, to the Intent to utter the same within this Realm, or within any Dominions of the same, all and every such Person or Persons shall be deemed and adjudged to be guilty of Felony, and may be transported for any Term of Years not exceeding seven Years.

No. 75. 37 George III. c. 126.

the Realm, or passing it.

IV. And be it further enacted, That if any Person or Persons shall, from and after the passing of this Act, utter or tender in Payment, or give in Exchange, or pay or put off to any Person or Persons, any such false or counterfeit Coin as aforesaid, resembling, or made with Intent to resemble or look like, any Gold or Silver Coin of any Foreign Prince, State, or Country, or to pass as such Foreign Coin, knowing the same to be false or counterfeit, and shall be thereof convicted, every Person so offending shall suffer six Months' Imprisonment, and find Sureties for his or her good Behaviour for six Months more, to be computed from the End of the said first six Months; and if the same Person shall afterwards be convicted a second Time for the like Offence of uttering, or tendering in Payment, or giving in Exchange, or paying, or putting off, any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, such Person shall, for such second Offence, suffer two Years' Imprisonment, and find Sureties for his or her good Behaviour for two Years more, to be computed from the End of the said first two Years; and if the same Person shall afterwards offend a third Time, in uttering or tendering in Payment, or giving in Exchange, or paying, or putting off, any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, and shall be convicted of such Third Offence, he or she shall be adjudged to be guilty of Felony, without Benefit of Clergy.

Penalty for tendering in Payment such counterfeit Coin; first Offence 6 Months' Imprisonment; second Offence 2 Years; third Offence Felony without Benefit of Clergy.

V. And be it further enacted, That if any Person shall be convicted of uttering or tendering any such false or counterfeit Coin as aforesaid, and shall afterwards be guilty of the like Offence in any other County, City, or Place, the Clerk of the Assize or Clerk of the Peace for the County, City, or Place, where such former Conviction shall have been had, shall, at the Request of the Prosecutor, or any other on his Majesty's Behalf, certify the same by a Transcript, in few Words, containing the Effect and Tenor of such Conviction; for which Certificate two Shillings and Sixpence, and no more, shall be paid; and such Certificate, being produced in Court, shall be sufficient Proof of such former Conviction.

Clerk of the Assize or of the Peace to certify the Conviction of any Person for uttering counterfeit Coin.

VI. And be it further enacted, That if any Person or Persons shall have in his, her, or their Custody, without lawful Excuse, any greater Number of Pieces than five Pieces, of false or counterfeit Coin, of any Kind or Kinds, resembling, or made with Intent to resemble or look like, any Gold or Silver Coin or Coins of any Foreign Prince, State, or Country,

Penalty on Persons having more than five Pieces of counterfeit Foreign Coin, from 5l. to 40s. each Piece;

No. 75. 37 George III. c. 126.

or 3 Months' Imprisonment.

or to pass as such Foreign Coin, every such Person, being thereof convicted upon the Oath of one or more credible Witness or Witnesses, before one of his Majesty's Justices of the Peace, shall forfeit and lose all such false and counterfeit Coin, which shall be cut in Pieces, and destroyed, by Order of such Justice, and shall, for every such Offence, forfeit and pay any Sum of Money not exceeding five Pounds nor less than forty Shillings, for every such Piece of false or counterfeit Coin which shall be found in the Custody of such Person, one Moiety to the Informer or Informers, and the other Moiety to the Poor of the Parish where such Offence shall be committed; and in Case any such Penalty shall not be forthwith paid, it shall be lawful for such Justice to commit the Person who shall be adjudged to pay the same to the Common Gaol, or House of Correction, there to be kept to hard Labour, for the Space of three Calendar Months, or until such Penalty shall be paid.

Justices may grant Warrants for searching suspected Places for counterfeit Foreign Coin.

VII. And be it enacted, That it shall and may be lawful to and for any one Justice of the Peace, on Complaint made before him, upon the Oath of one credible Person, that there is just Cause to suspect that any one or more Person or Persons is or are, or hath or have been, concerned in making or counterfeiting any such false or counterfeit Coin as aforesaid, resembling, or made with Intent to resemble or look like, any Gold or Silver Coin of any Foreign Prince, State, or Country, or to pass as such Foreign Coin, by Warrant under the Hand of such Justice, to cause the Dwelling House, Room, Work-shop, Outhouse, or other Building, Yard, Garden, or other Place, belonging to such suspected Person or Persons, or where any such Person or Persons shall be suspected to carry on any such making or counterfeiting, to be searched for any such false or counterfeit Coin, or for Tools or Implements for coining such false or counterfeit Coin, or for Materials for making or coining the same; and if any such false or counterfeit Coin, or any such Tools or Instruments, or any such Materials for making any such false or counterfeit Coin, shall be found in any Place so searched, or if any such Tools, Implements, or Materials, shall be found in the Custody or Possession of any Person or Persons whomsoever, not having the same by some lawful Authority, it shall and may be lawful to and for any Person or Persons whatsoever, discovering the same, to seize, and he and they are hereby authorized and required to seize, such false or counterfeit Coin, Tools, Implements, and Materials, and to carry the same forthwith to a Justice of the Peace of the County, City, or Place, where the same shall be seized, who shall cause the same to be secured and produced in Evidence against any Person or Persons who shall or may be prosecuted for any of the Offences aforesaid, in some Court of Justice proper for the Determination thereof; and after such Time as any such false or counterfeit Coin, or any such Tools, Implements, or Materials, shall have been produced in Evidence as aforesaid, as well so much and such Parts thereof as shall have been so pro-

Such counterfeit Coin, and Tools and Materials, may be seized and carried before a Justice, who shall secure the same as Evidence, and to be afterwards destroyed.

duced, as every other Part thereof so seized, and not made use of in Evidence, shall forthwith, by Order of the Court where such Offender or Offenders shall be tried, or by Order of some Justice of the Peace, in case there shall be no such Trial, be defaced or destroyed, or otherwise disposed of, as such Court or such Justice shall direct. No. 75. 37 George III. c. 126.

VIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act before any Justice of the Peace, shall be quashed for Want of Form, or be removed by Writ of *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*. No Proceedings before a Justice to be quashed for Want of Form, &c.

IX. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, then and in every such Case the said Action or Suit shall be commenced within three Calendar Months after the Fact committed, and not afterwards, and shall be brought in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit so to be brought may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to be so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, and if upon the Trial a Verdict shall pass for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

No. 76.

38 George III. c. 67.—An Act to prevent the Exportation of Base Coin to his Majesty's Colonies in the *West Indies* and *America*.—[21st. *June* 1798.]

'WHEREAS various Base Copper Coins made to the Resemblance and Similitude of the Foreign Copper 'Coins, called *Tempes* and *Sous Marques*, have been exported 'from this Kingdom to the Island of *Martinique* in the *West* '*Indies*, under the Denomination of Wrought Copper: And 'whereas Base Coin made to the Similitude and Resemblance 'of the Foreign Gold and Silver Coins, called *Johannes* and '*Dollars*, have been circulated in his Majesty's Islands in the No. 76. 38 George III. c. 67. Preamble.

No. 76.
38 George III. c. 67.

'*West Indies*, and in other his Majesty's Colonies in *America*, to 'the great Injury of the Inhabitants of the said Islands and 'Colonies:' For preventing the like and similar Evils in future, be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Copper Coin whatsoever, not being the legal Copper Coin of this Kingdom, and all Counterfeit Gold or Silver Coin made to the Similitude or Resemblance, or intended to resemble, any Gold or Silver Coin, either of this Kingdom or of any other Country, which shall, under any Pretence, Name, or Description whatsoever, be exported or shipped, or laden or put on board any Ship, Vessel, or Boat, for the Purpose of being exported from this Kingdom to the said Island of *Martinique*, or any of his Majesty's Islands or Colonies in the *West Indies* or *America*, shall be forfeited, and the same shall and may be seized, sued for, prosecuted, and recovered, in such Courts, and by such and the like Ways, Means, and Methods, and the Produce thereof disposed of and applied in such and the like Manner, and to such and the like Uses and Purposes, as any Forfeiture incurred by any Law respecting the Revenue of the Customs, may now be seized, sued for, prosecuted, or recovered, disposed of and applied, either in this Kingdom, or in any of his Majesty's Islands in the *West Indies*, respectively, as the Case may happen to be.

Copper Coin not being legal Coin, and counterfeit Gold or Silver Coin, exported to *Martinique*, or any of his Majesty's Colonies in the *West Indies* or *America*, or shipped for that Purpose, may be seized.

II. And be it further enacted, That every Person who shall so export, or shall so ship, lay, or put on board any Ship, Vessel, or Boat, in order to be so exported, or shall cause or procure to be so exported, shipped, or put on board any Ship, Vessel, or Boat, or shall have in his or her Custody, in order to be so exported, any such Coin as aforesaid, shall, for every such Offence, forfeit the Sum of two hundred Pounds, and double the Value of such Coin, to be recovered by Bill, Suit, Action, or Information, in any of his Majesty's Courts of Record at *Westminster*.

Penalty on Persons exporting it, &c.

No. 77.

38 George III. c. 69.—An Act for allowing Gold Wares to be manufactured at a Standard lower than is now allowed by Law.—[21*st. June* 1798.]

No. 78.

43 George III. c. 139.—An Act for preventing the forging and counterfeiting of foreign Bills of Exchange, and of foreign Promissory Notes and Orders for the Payment of Money; and for preventing the counterfeiting of foreign Copper Money.—[11*th. August* 1803.]

No. 78. 43 George III. c. 139.

'WHEREAS the Practice of forging and counterfeiting 'foreign Bills of Exchange, foreign Promissory Notes, 'and foreign Orders for Payment of Money, hath of late 'greatly increased, and Plates of such Bills, Notes, and 'Orders, have been in some Instances engraven within the 'United Kingdom of *Great Britain* and *Ireland*, whereby such 'Forgeries have been more easily committed; and it is ex-'pedient that effectual Provision should be made for the pre-'venting of the same:' May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person from and after the passing of this Act shall, within any Part of the United Kingdom of *Great Britain* and *Ireland*, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or knowingly aid or assist in the false making, forging, or counterfeiting, any Bill of Exchange, or any Promissory Note, Undertaking, or Order for the Payment of Money, purporting to be the Bill of Exchange, Promissory Note, Undertaking, or Order for the Payment of Money, of any foreign Prince, State, or Country whatsoever, or of any Minister or Officer entrusted by or employed in the Service of any foreign Prince, State, or Country, or of any Person, or Company of Persons resident in any foreign State or Country, or of any Body Corporate and Politick, and Body in the Nature of a Body Corporate and Politick, created or constituted by any foreign Prince or State, with Intent to deceive or defraud his Majesty, his Heirs and Successors, or any such foreign Prince, State, or Country, or with Intent to deceive or defraud any Person or Company of Persons whomsoever, or any Body Corporate and Politick, or Body in the Nature of a Body Corporate and Politick whatsoever, whether the same be respectively resident, carrying on Business, constituted or being in any Part of the United Kingdom, or in any foreign State or Country; and whether such Bill of Exchange, Promissory Note, or Order be in the *English* Language, or in any foreign Language or Languages, or partly in one and partly in the other; or if any Person from and after the passing of this Act shall, within any Part of the said United Kingdom, tender in Payment or in Exchange, or otherwise utter or publish as true, any such false, forged, or counterfeited Bill of Exchange, Promissory

Persons forging, &c. foreign Bills of Exchange, &c. or uttering the same, guilty of Felony, punished by 14 Yea's' transportation.

No. 78. 43 George III. c. 139.

Note, Undertaking, or Order, knowing the same to be false, forged, or counterfeited, with Intent to deceive or defraud his Majesty, his Heirs and Successors, or any foreign Prince, State, or Country, or any Person or Company of Persons, or any Body Corporate and Politick, or Body in the Nature of a Body Politick and Corporate as aforesaid, then every Person so offending shall be deemed and taken to be guilty of Felony, and being thereof lawfully convicted, shall be transported for any Term of Years not exceeding fourteen Years.

No Person shall engrave Plates for foreign Bills of Exchange, &c. nor print them, &c. without written Authority—Penalty Misdemeanor, punishable by Imprisonment, Fine, &c. and for the second Offence by 14 Years' Transportation.

II. And be it further enacted, That no Person, from and after the passing of this Act, shall, within any Part of the United Kingdom of *Great Britain* and *Ireland*, engrave, cut, etch, scrape, or by any other Means or Device, make or knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other Means or Device, making in or upon any Plate whatsoever, any Bill of Exchange, or any Promissory Note or Undertaking, or Order for the Payment of Money, purporting to be the Bill of Exchange, Promissory Note, Undertaking, or Order of any foreign Prince, State, or Country, or of any Minister or Officer entrusted by or employed in the Service of any foreign Prince, State, or Country, or of any Person, or Company of Persons, resident or being in any foreign State or Country, or of any Body Corporate and Politick, or Body in the Nature of a Body Corporate and Politick, or constituted by any foreign Prince or State, or any Part of any such Bill of Exchange, Promissory Note, Undertaking, or Order, without an Authority in Writing for that Purpose from such foreign Prince, State, or Country, Minister or Officer, Person, Company of Persons, or Body Corporate and Politick, or Body in the Nature of a Body Corporate and Politick, or from some Person duly authorized to give such Authority; or shall within any Part of the said United Kingdom, without such Authority as aforesaid, by Means of any such Plate, or by any other Device or Means make or print any such foreign Bill of Exchange, Promissory Note, Undertaking, or Order for the Payment of Money, or any Part thereof; or knowingly, wilfully, and without lawful Excuse, (the Proof whereof shall lie upon the Party accused,) have in his or her Custody, any such Plate or Device, or any Impression taken from the same; and if any Person shall offend in any of the Cases aforesaid, he shall be deemed and taken to be guilty of a Misdemeanor and Breach of the Peace, and being thereof convicted according to Law, shall be liable for the first Offence to be imprisoned for any Time not exceeding six Months, or to be fined, or to be publickly or privately whipped, or to suffer one or more of the said Punishments, and for the second Offence to be transported to any of his Majesty's Colonies or Plantations for the Term of fourteen Years: Provided always, that nothing in this Act contained shall extend or be construed to extend in any Manner whatsoever to repeal or alter any Law or Statute now in Force for the Prevention and Punishment of the Crime of Forgery in any Respect whatsoever within any Part of the said United Kingdom.

Act shall not alter Laws in Force against Forgery.

III. And be it further enacted, That if any Person from and after the passing of this Act shall within any Part of the said United Kingdom make, coin or counterfeit any Kind of Coin not the proper Coin of this Realm, nor ordered by the Royal Proclamation of his Majesty, his Heirs or Successors, to be deemed and taken as current Money of this Realm, or any Part thereof, but resembling, or made with Intent to resemble any Copper Coin, or any other Coin made of any Metal or mixed Metals of less Value than the Silver Coin of such foreign Prince, State, or Country respectively, or to pass as such foreign Coin, then every Person so offending shall be deemed and taken to be guilty of a Misdemeanor and Breach of the Peace, and being thereof convicted according to Law, shall for the first Offence be imprisoned for any Time not exceeding one Year, and for the second Offence be transported to any of his Majesty's Colonies or Plantations for the Term of seven Years.

No. 78. 43 George III. c. 139.

Penalty on counterfeiting foreign Copper Coin, &c. Misdemeanor, punishable by Imprisonment, and for second Offence by 7 Years' Transportation.

IV. And be it further enacted, That no Person against whom any Bill of Indictment shall be found at any Assizes or Sessions of the Peace for any Offence against this Act shall be entitled to traverse the same to any subsequent Assizes or Sessions, but the Court at which such Bill of Indictment shall be found shall forthwith proceed to try the Person or Persons against whom the same shall be found, unless he or they shall shew good Cause, to be allowed by the Court, why his, her, or their Trial should be postponed.

Persons indicted shall not be allowed to traverse to a subsequent Assizes, &c.

V. And be it further enacted, That if any Person shall be convicted of any Offence against this Act, and shall afterwards be guilty of the like Offence in any other County, City, Town, or Place, the Clerk of the Assize, Clerk of the Peace, or Town Clerk, for the County, City, Town, or Place where such former Conviction shall have been had, shall, at the Request of the Prosecutor, or any other on his Majesty's Behalf, certify the same by a Transcript in few Words, containing the Effect and Tenor of such Conviction, for which Certificate two Shillings and Sixpence and no more shall be paid; and such Certificate being produced in Court, and the Hand Writing of such Clerk of Assize, Clerk of the Peace, or Town Clerk thereto being proved shall be sufficient Evidence of such former Conviction.

Certificates of former Convictions shall be Evidence on Trial for second Offences.

VI. And be it further enacted, That if any Person or Persons shall have in his, her, or their Custody, without lawful Excuse, any greater Number of Pieces than five Pieces of false or counterfeit Coin of any Kind or Kinds resembling or made with Intent to resemble any such Copper or other Coin as aforesaid, every such Person, being thereof convicted upon the Oath of one or more credible Witness or Witnesses before one of his Majesty's Justices of the Peace, shall forfeit and lose all such false and counterfeit Coin, which shall be cut in Pieces and destroyed by Order of such Justice, and shall for every such Offence forfeit and pay any Sum of Money not exceeding forty Shillings nor less than ten Shillings for every such Piece

Penalty on Persons having more than five Pieces of such counterfeit foreign Coin in their Possession, 40s to 10s. per Piece, or 3 Months' Imprisonment.

No. 78.
43 George III c. 139.

of false or counterfeit Coin which shall be found in the Custody of such Person; one Moiety to the Informer or Informers, and the other Moiety to the Poor of the Parish where such Offence shall be committed; and in case any such Penalty shall not be forthwith paid, it shall be lawful for any such Justice to commit the Person who shall have been adjudged to pay the same to the Common Gaol or House of Correction, there to be kept to hard Labour for the Space of three Calendar Months, or until such Penalty shall be paid.

Houses of suspected Persons may be searched, and counterfeit Coin seized, &c.

VII. And be it further enacted, That it shall and may be lawful to and for any one Justice of the Peace, on Complaint made before him upon the Oath of one credible Person, that there is just cause to suspect that any one or more Person or Persons is or are, or hath or have been concerned in making or counterfeiting any such false or counterfeited foreign Coin as aforesaid, by Warrant under the Hand of such Justice, to cause the Dwelling-House, Room, Workshop, Outhouse, or other Building, Yard, Garden, or other Place belonging to such suspected Person or Persons, or where any such Person or Persons shall be suspected to carry on any such making or counterfeiting, to be searched for any such false or counterfeit Coin, or for Tools or Implements for coining such false or counterfeit Coins, or for Materials for making or coining the same; and if any such false or counterfeit Coin, or any such Tools or Implements, or any such Materials for making any such false or counterfeit Coin, shall be found in any Place so searched, or if any such Tools, Implements, or Materials, shall be found in the Custody or Possession of any Person or Persons whomsoever, not having the same by some lawful Authority, it shall and may be lawful to and for any Person or Persons whatsoever discovering the same to seize and he and they are hereby authorized and required to seize such false or counterfeit Coin, Tools, Implements, and Materials, and to carry the same forthwith to a Justice of the Peace of the County, City, Town, or Place where the same shall be seized, who shall cause the same to be secured, and produced in Evidence against any Person or Persons who shall or may be prosecuted for any of the Offences aforesaid, in some Court of Justice proper for the Determination thereof; and after such Time as any such false or counterfeit Coin, or any such Tools, Implements, or Materials shall have been produced in Evidence as aforesaid, as well so much and such Parts thereof as shall have been so produced, as every other Part thereof so seized and not made Use of in Evidence, shall forthwith by Order of the Court where such Offender or Offenders shall be tried, or by Order of some Justice of the Peace in case there shall be no such Trial, be defaced or destroyed, or otherwise disposed of as such Court or such Justice shall direct.

Proceedings shall not be quashed for want of Form, &c.

VIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act before any Justice of the Peace shall be quashed for Want of Form, or be removed by Writ of *Certiorari*, or any other

Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster* or *Dublin*. No. 78. 43 George III. c. 139.
"Limitation of Actions for Matters done under this Act, three "Months.—Venue, where Cause of Action arises.—General "Issue.—Treble Costs, § 9."

No. 79.

44 George III. c. 71.—An Act to prevent the Counterfeiting of Silver Coin issued by the Governor and Company of the Bank of *England*, called *Dollars*, and Silver Coin which may be issued by the Governor and Company of the Bank of *Ireland*, called *Tokens*; and to prevent the bringing into the United Kingdom, or uttering, any Counterfeit Dollars or Tokens.—[10th. *July* 1804.]

No. 80.

45 George III. c. 42.—An Act to extend the Provisions of an Act made in the last Session of Parliament for preventing the Counterfeiting of certain Silver Coin issued by the Banks of *England* and *Ireland* respectively, to Silver Pieces which may be issued by the Governor and Company of the Bank of *Ireland*, called *Tokens*; and to promote the Circulation of the said *Tokens*.—[17th. *May* 1805.]

No. 81.

48 George III. c. 31.—An Act to extend the Provisions of an Act, made in the forty-fifth Year of his present Majesty's Reign for preventing the counterfeiting of certain Silver Tokens, to certain other Tokens, which may be issued by the Governor and Company of the Bank of *Ireland*, and to promote the Circulation of the said last-mentioned Tokens. —[14th. *April*, 1808.]

Part V. Class IV.

HOMICIDE.

No. 1.

52 Henry III. c. 25.—What kind of Man-slaughter shall be adjudged Murther.

No. 1. 52 Henry III. c. 25.

'MURTHER from henceforth shall not be judged before our Justices, where it is found Misfortune only, but it shall take place in such 'as are slain by Felony, and 'not otherwise.'

Cotton *MS.*

MURDRUM de cetero non adjudicetur coram Justiciariis, ubi infortunium [*fortunium*] tantummodo adjudicatum est, sed locum habeat murdrum in interfectis per feloniam, & non aliter.

No. 2.

4 Edward I. st. 2.—Of what Things a Coroner shall inquire.

No. 2. 4 Edward I. st. 2. Murther.

'A CORONER of our Lord 'the King ought to inquire of these Things, first, 'when Coroners are commanded by the King's Bailiffs, or by honest Men of the 'Country, they shall go to the 'Places where any be slain, or 'suddenly dead or wounded, or 'where Houses are broken, or 'where Treasure is said to be 'found, and shall forthwith command four of the next Towns, 'or five or six, to appear before 'him in such a Place; and 'when they are come thither, 'the Coroner upon the Oath of 'them shall inquire in this 'manner, that is to wit, If it

HEC sunt inquirenda a coronatoribus domini regis: In primis, quum coronatores habent mandatum a ballivis domini regis, vel a probis hominibus patrie, quod accedant ad occisos, vel ad subito mortuos, vel ablatos, [*ad vulneratos*] vel domorum fractores, vel ad locum ubi dicitur thesaurum esse inventum, statim accedant; et statim debent mandare quatuor villatis, vel quinque, vel sex vicinis, quod sint coram ipsis tali loco; et cum venerint, coronatores ad sacramentum illorum debent facere inquisicionem in hac forma; scil. Si

Cotton *MS.*

fuerit de homine occiso, primo inquirend' ubi occisus fuerit, et si in campo, vel in domo, vel ad luctam, [*luttariam*] aut tabernam, vel ad congregacionem; et si quis, vel qui ibidem fuerint: Similiter inquirend' est, qui et quales culpabiles fuerint, sive de facto, sive de forcia, et quis fuerit in curia, et qui ibidem fuerint homines aut mulieres cujuscunque fuerint etatis, dummodo tamen loqui sciant, et habeant [*aliquam*] discrecionem; et quotquot inventi fuerint culpabiles per inquisicion. aliquorum modorum pred. capiantur et liberentur vicecomiti, et imponantur in gaolam: et quotquot inventi fuerint, qui non sunt culpabiles, attachientur usque ad adventum justiciariorum itinerantium, et nomina eorum in rotulo scribantur coronatoris. Si quis autem talium occisus fuerit in campis vel in boscis, et ibi inveniatur, primo inquiratur si ibi occisus fuerit vel non, et si forte illuc differatur, sequantur vestigia eorum, si potest fieri, qui corpus illuc detulerunt, vel equi qui ducebat, vel carecte, si forte equo vel carecta deferatur. Inquiratur eciam si interfectus fuerit notus vel ignotus, et ubi nocte illa precedente fuerit hospitatus. Si autem hujus occisi fuerint, de quibus dicitur quod culpabiles sint, statim accedant coronatores ad domum illorum, et inquirant que catalla habuerunt, et que blada in grangia; et si liberi homines fuerint, quantum terram habuerint, et quantum valeat per annum, et que blada habuerint in terris; et cum ita adquisierint de omnibus, appreciari faciant catalla et

'concerns a Man slain, whether they know where the 'Person was slain, whether it 'were in any House, Field, 'Bed, Tavern, or Company, 'and if any, and who were 'there: Likewise it is to be 'inquired, who were, and in 'what manner culpable, either 'of the Act, or of the Force, 'and who were present, either 'Men or Women, and of what 'Age soever they be (if they 'can speak, or have any Dis-'cretion,) and how many 'soever be found culpable by 'Inquisition in any of the Man-'ners aforesaid, they shall be 'taken and delivered to the 'Sheriff, and shall be com-'mitted to the Gaol; and such 'as be founden, and be not 'culpable, shall be attached 'until the coming of the Jus-'tices, and their Names shall 'be written in the Rolls of the 'Coroners. If it fortune any 'such Man be slain in the 'Fields or Woods, and be 'there found, first it is to be 'inquired, whether he were 'slain there or not; and if he 'were brought and laid there, 'they shall do so much as they 'can to follow their steps that 'brought the Body thither, or 'of the Horse which brought 'him, or Cart, if perchance 'he was brought upon a Horse 'or Cart: It shall be inquired 'also if the dead Person were 'known, or else a Stranger, 'and where he lay the Night 'before; and if there be any 'who are said to be guilty of 'the Murder, the Coroner 'shall immediately go unto 'their House, and shall in-'quire what Goods they have, 'and what Corn they have in 'their Graunge, and if they

No. 2.
4 Edward I. st. 2.
Inquiry of the Offenders
A Man found slain.
The Murtherer found culpable.

No. 2.
4 Edward I. st. 2.

'be Freemen, they shall inquire how much Land they have, and what it is worth yearly; and further what Corn they have upon the Ground. And when they have thus inquired upon every thing, they shall cause all the Corn and Goods to be valued, and the Land to be extended, so that they may be sold incontinently, and thereupon they shall be delivered to the whole Township, which shall be answerable before the Justices for all; and likewise of his Freehold, how much it is worth yearly over and above the Service due to the Lords of the Fee: and the Land shall remain in the King's Hands, until the Lords of the Fee have made fine for it. And immediately upon these Things being inquired, the Bodies of such Persons being dead or slain shall be buried.

Person drowned, or suddenly dead.

'II. In like manner it is to be inquired of them that be drowned, or suddenly dead, and after it is to be seen of such Bodies, whether they were so drowned, or slain, or strangled by the Sign of a Cord tied streight about their Necks, or about any of their Members, or upon any other Hurt found upon their Bodies, whereupon they shall proceed in the Form abovesaid; and if they were not slain, then ought the Coroner to attach the Finders, and all other in the Company. A Coroner also ought to inquire

Treasure found.

of Treasure that is found, who know the Finders, and likewise who is suspected thereof; and that may be well perceived * *where one*

* *Whether one*

Cotton MS.

blada, et extendant terram, sicut statim vendi possent, et liberentur villatis [*tote villate*] ad respondend' coram Justiciariis; similiter de terra libera, quantum valeat per annum, salvo servicio dominorum feodi, et teneatur terra in manu domini Regis, quousque domini feodorum pro eadem finem fecerint [*satisfecerint.*] Et hiis inquisitis, statim sepeliantur corpora mortuorum vel occisorum.

Similiter inquirendum est de submersis, vel subito mortuis, et postea videnď est de talibus corporibus utrum sic submersi fuerint, vel occisi, vel jugulati, vel per signum colli funibus strangulati, vel per alia membra, vel per lesuram in corpore inventam, secundum hoc procedendo in forma predicta; Et si non fuerint occisi, tunc debet coronator attachiare inventorem, et omnes alios de societate. De thesauro invento debet coronator inquirere, qui sciunt inventorum, et similiter qui inde rectati sunt, et hoc scire potest, scilicet si quis se gesserit vel duxerit solito, vel ad tabernam accesserit, et diucius sic se habuerit; pro tali suspicione attachiari debet per iiii vel vi. vel per plures ple-

Cotton *MS.*

gios, si invenire possint. Si autem aliquis appellatus fuerit de raptu, appellatus attachiari debet, si appellum recens fuerit, & videant signum veritatis per manifestam sanguinis violenciam, vel hutesium levatum; et talis attachiari debet per iiii plegios, vel per vi. si invenire possit; si autem appellum fuerit sine hutesio, et sine sanguine manifesto, tunc sufficiunt plegii duo. De appello vero de plagis, et hujusmodi, si plage fuerint mortales, statim capiantur appellati, et teneantur donec sciatur si possit convalescere, vel non; scilicet lesus quod si moriatur, teneantur rei; si vero convaluerint, attachientur per quatuor pleg' vel sex, secundum quod plaga fuerit major vel minor; Si de mahemio fuerit, per plures quam quatuor; de simplici autem vulnere sine mahemio, duo sufficiunt pleg'. Item de omnibus plagis videndum est, que sit longitudo, latitudo, et profunditas, et quibus armis vulneratus sit lesus; in quo loco corporis, et si plures culpabiles sint; et si plura sint vulnera, quis qualem plagam fecit; et sic omnia debent irrotulari in rotulo coronatoris. Si vero aliquis, vel *aliqui* appellati fuerint, appellatus de facto capiatur, et appellatus de forcia attachietur, salvo quousque appellati de facto convincantur vel deliberentur. De equis, battellis, carectis, et molendinis per que aliqui interficiuntur, que proprie dicuntur bani, arestentur, [*apprecientur*] et postea tradantur villatis, ut supra. De wrecco maris, ubicunque inveniatur, si aliquis manus apponat, attachietur

No. 2. 4 Edward I. st. 2.

'*liveth riotously haunting* Taverns, and hath done so of long Time; hereupon he may be attached for this suspicion by four, or six, or more Pledges, if they may be found. Further, if any be appealed of Rape, he must be attached, if the Appeal be fresh, and they must see apparent Sign of Truth by Effusion of Blood, or an open Cry made; and such shall be attached by four, or six Pledges, if he may be found: If the Appeal were without Cry, or without any manifest Effusion of Blood, two Pledges shall be sufficient. Upon Appeal of Wounds and such like, especially if the Wounds be mortal, the Parties appealed shall be taken immediately and kept until it be known perfectly, whether he that is hurt shall recover, or not; and if he die, the Offenders shall be kept; and if the Parties hurt recover Health, the Offenders shall be attached by four or six Pledges, after as the Wound is great or small. If it be for a Maim, he shall find more than four Pledges; if it be for a small Wound, without Maihem, two Pledges shall suffice. Also all Wounds ought to be viewed, the Length, Breadth, and Deepness, and with what Weapons the Wound is given, and in what Part of the Body the Wound or Hurt is, and how many be culpable, and if there are many Wounds, who gave each particular Wound; all which Things must be inrolled in the Roll of the Coroners. Moreover if one or more be appealed,

for Instance liveth and behaveth as he used to do, or haunteth Taverns, &c.

Appeal of Rape.

Appeal of Wounds or Maim.

Principals and Accessary.

No. 2. 4 Edward I.

Deodands.

Wreck of the Sea.

Suspected Persons.

Huy and Cry.

'the Party appealing of the 'Fact shall be taken, and the 'Party appealed of the Force 'shall be attached also, and 'surely kept in Ward, until 'the Parties appealed of the 'Fact be attainted or deliver- 'ed. Concerning Horses, 'Boats, Carts, Mills, &c. 'whereby any are slain, that 'properly are called *Deodands,* 'they shall be valued and de- 'livered unto the Towns as be- 'fore is said. Concerning 'Wreck of the Sea, whereso- 'ever it be found, if any lay 'Hands on it, he shall be at- 'tached by sufficient Pledges, 'and the Price of the Wreck 'shall be valued and delivered 'to the Towns. If any be 'suspected of the Death of 'any Man being in danger of 'Life, he shall be taken and 'imprisoned, as before is said. 'In like manner Huy shall 'be levied for all Murthers, 'Burglaries, and for Men 'slain, or in Peril to be slain, 'as otherwise is used in *Eng- 'land,* and all shall follow 'the Huy and Steps, as near 'as can be; and he that doth 'not, and is convict there- 'upon, shall be attached to be 'afore the Justices of the 'Gaol,' *&c.*

Cotton *MS.*

per bonos plegios et salvos, et predictum wreccum apprecietur, et liberetur villatis. Si autem aliquis rettatus fuerit de morte alicujus periclitati, capiatur et imprisonetur, ut supra. Similiter de homicidiis, burglariis, seu periclitatis, seu occisis, levetur hutesium, sicut alibi est consuetudo in Anglia; et omnes sequentur hutesium, scilicet hutesium et vestigia, si fieri poterit; et qui non fecerit, et super hoc convincatur quod noluerit, attachietur quod sit coram Justiciariis de gaola. [*ut prius.*]

No. 3.

6 Edward I. c. 9.—One Person killing another in his own Defence, or by Misfortune. An Appeal of Murther.

No. 3. 6 Edward I. c. 9.

'THE King commandeth 'that no Writ shall be 'granted out of the Chancery 'for the Death of a Man to 'enquire whether a Man did

Ex Rot. in Turr. Lond.

LE Rey comaunde qe nul bref de la chauncelerie seit graunte de mort de home de enquere si home occie autre par mesaventure ou sei

Ex Rot. in Turr. Lond.

defendaunt ou en autre manere par felonie mes si tel seit en prison e devaunt Justices erraunz ou Justices assignez a ghaole deliverer se met en pais de bien e de mal e len trusse par pais qil eit fet se defendaunt ou par mesaventure dunqe par record des Justices face le Rei sa grace si lui plest.

Ex Cotton *MS.*

[*Purveu est ensement qe nul appel soit abatu si legerment come avaunt ad estee mes si les appellour counte le fait & lan le jour & le temps le Roy & la ville ou le fait fust* fait *si estoise le appel Et mes ne soit appel abatu per defaute de fresche suite per quei qe homme sue dedeinz lan & le jour apres le fait.*]

'kill another by Misfortune, 'or in his own Defence, or in 'other Manner without Felony; but he shall be put in 'Prison until the coming of the 'Justices in Eyre, or Justices 'assigned to the Gaol-delivery, 'and shall put himself upon the 'Country before them for 'Good and Evil: In case it 'be found by the Country, 'that he did it in his Defence, 'or by Misfortune, then by 'the Report of the Justices to 'the King, the King shall take 'him to his Grace, if it please 'him. It is provided also, 'that no Appeal shall be 'abated so soon as they have 'been heretofore; but if the 'Appellor declare the Deed, 'the Year, the Day, the 'Hour, the Time of the King, 'and the Town where the 'Deed was done, the Appeal 'shall stand in Effect, and 'shall not be abated for Default of fresh Suit, if the 'Party shall sue within the 'Year and the Day after the 'Deed done.'

No. 3. 6 Edward I. c. 9

No. 4.

21 Edward I. st. 2.—In what Case the Killing of Offenders in Forests, Chases, or Warrens, is punishable, in what not.

Cotton *MS. Claudius*, D. 2.

UT malefactores in forestis chaceis parcis et Warennis de cetero plus timeant in eisdem intrare et malefacere quam consueverunt, Dominus Rex ad Parliamentum suum post Pascha Anno regni sui

'TO the Intent that Trespassers in Forests, 'Chases, Parks, and Warrens, may more warily fear 'hereafter to enter and trespass in the same, than they 'have heretofore, Our Lord

No. 4. 21 Edward I. st. 2.

No. 4. 21 Edward I. st. 2.

'the King, at his Parliament 'after *Easter*, the xxi Year of 'his Reign, at the Instance of 'the Nobles of his Realm, 'hath granted and commanded 'to be from henceforth 'firmly observed, That if any 'Forester, Parker, or Warrener 'shall find any Trespassers 'wandring within his 'Liberty, intending to do 'Damage therein, and that 'will not yield themselves to 'the Foresters, Warreners, or 'Parkers, after Hue and Cry 'made to stand unto the Peace, 'but do continue their Malice, 'and, disobeying the King's 'Peace, do flee, or defend 'themselves with Force and 'Arms; although such Foresters, 'Parkers, and Warreners, 'or any other coming in 'their Company, and aiding 'such Foresters, Parkers, and 'Warreners, in the King's 'Peace, do kill any Offender 'or Offenders being so found, 'either in arresting or taking 'them, or any of them, they 'shall not be troubled upon 'the same before the King or 'his Justices, or before any 'other the King's Bailiffs, or 'any other within any Franchise 'or without, nor shall 'leese for so doing either Life 'or Limb, or suffer any other 'Punishment, but shall enjoy 'the King's Peace as they did 'before.

'II. Notwithstanding, let 'all such Foresters, Parkers, 'Warreners, and all other beware, 'that by reason of any 'Malice, Discord, Debate, or 'other evil Will or Hatred 'had before time, they do not 'maliciously pretend against 'any Person passing through

Cotton *MS. Claudius*, D. 2.

vicesimo primo ad instanciam Magnatum regni sui concessit et firmiter extunc precepit observari quod si quis forestarius parcarius aut warennarius in balliva sua malefactores aliquos invenerit in balliva sua vacantes ad dampnum ibidem faciend' et qui se forestariis parcariis aut warennariis illis post clamorem et utesium levatum ad pacem Regis adstand' recto reddere noluerint immo maliciam suam prosequendo et continuando et pacem Regis diffugiendo fugam fecerint et vi et armis se defenderint licet forestarii parcarii et warennarii illi seu alii quicumque ad pacem Domini Regis existentes et in comitiva forestariorum parcariorum aut warennariorum illorum venientes ad tales malefactores sic inventos arestandos seu capiendos aliquem seu aliquos hujusmodi malefactorum interfecerint non propter hoc occasionentur coram Domino Rege vel Justic' suis quibuscumque aut aliis ballivis Domini Regis seu aliorum quorumcumque infra libertatem aut extra nec propter hoc amittant vitam vel membrum aut aliam penam subeant immo firmam pacem Domini Regis inde habeant.

Sed bene caveant forestarii parcarii warennarii et alii quicumque ne occasione contencionis discordie contumelie aut alicujus malivolencie seu odii perhabitorum aliquibus per ballivas suas transeuntibus maliciose imponant quod causa malefaciendi in ballivis suis

Cotton *MS. Claudius*, D. 2.

intrant cum hoc non fecerint nec ipsos vagantes ut malefaciant nec malefacientes invenerint nec causam malefaciendi querentes et sic eos occidant quod si fecerint et de hoc fuerint convicti fiat de morte sic interfectorum prout aliorum ad pacem Domini Regis existencium et prout de jure et secundum consuetudinem regni fuerit faciendum.

'their Liberties, that they 'came thither for to trespass 'or misdo, when of truth they 'did nothing, nor were not 'found as Trespassers, or in- 'tending to trespass, and so 'kill them; for if they do, 'and be convict thereupon, 'the Death of such Persons 'shall be inquired, and Ex- 'ecution shall be done, in like 'Manner as is done for other 'of the King's Subjects stand- 'ing in his Peace, and like as 'it ought to be done of Right, 'and according to the Law and 'Custom of the Realm."(1.)

No. 4.
21 Edward I. st. 2.

(1.) By Statute 3 and 4 W and M c. 10 sec. 5, Owners of Deer in any inclosed Land, or any Persons under them, may resist Offenders in like Manner as in ancient Parks. And by 4 and 5 W. and M. c. 23. sec. 4, (post Pt VI. Cl. 19. No. 28) Lords of Manors, or any others authorised by them, may resist Offenders within their respective Manors or Royalties, in the same Manner, and with equal Indemnity, as if the Fact had been committed in any ancient Chase, &c.

No. 5.

28 Edward I. c. 3.—Of what Things only the Marshal of the King's House shall hold Plea. Which Coroners shall enquire of the Death of a Man slain within the Verge.

Ex Rot. in Turr. Lond.

DE lestat du seneschals e des marchals e des plez ne eus devient tenir e coment ordene est qe desoremes ne tiegnent plar de frank tenement ne de dette ne de covenant ne de contract des gentz du pueple fors tantsulement des trespas de lostel & autres trespas faitz dedenz la verge e de contractz e covenantz qe ascun de lostel le Roi avera fait a autre de meisme lostel e en meisme lostel e ne

'CONCERNING the Authority of Stewards 'and Marshals, and of such 'Pleas as they may hold, and 'in what Manner, it is ordain- 'ed, That from henceforth 'they shall not hold Plea of 'Freehold, neither of Debt, 'nor of Covenant, nor of any 'Contract made between the 'King's People, but only of 'Trespass done within the 'House, and of other Tres- 'passes done within the Verge,

No. 5.
28 Edward I c. 3.
Of what Things only the Marshal of the King's House shall hold Plea.

No. 5. 18 Edward I. c. 3.

'and of Contracts and Covenants that one of the King's House shall have made with another of the same House, and in the same House, and none other where. And they shall plead no Plea of Trespass, other than that which shall be attached by them before the King depart from the Verge where the Trespass shall be committed; and shall plead them speedily from Day to Day, so that they may be pleaded and determined before that the King depart out of the Limits of the same Verge where the Trespass was done. And if it so be that they cannot be determined within the Limits of the same Verge, then shall the same Pleas cease before the Steward, and the Plaintiffs shall have Recourse to the Common Law. And from henceforth the Steward shall not take Cognizance of Debts nor of other Things, but of People of the same House, nor shall hold none other Plea by Obligation made at the Distress of the Steward and of the Marshals. And if the Steward or Marshals do any Thing contrary to this Ordinance, it shall be holden as void. And forasmuch as heretofore many Felonies committed within the Verge have been unpunished, because the Coroners of the Country have not been authorised to enquire of such Manner of Felonies done within the Verge, but the Coroner of the King's House, which never continueth in one Place, by reason whereof there can be no Trial

Ex Rot. in Turr. Lond.

mie aillours. E nul plai de trespas ne pledront autre qe ne soit attache par eus avant ceo qe le Roi isse hors de la verge ou le trespas serra fait e les pledera hastivement de jour en jour issint qil soient parpledez e termines avant de ceo qe le Roi isse hors des bundes de cele verge ou le trespas fut fait. E si par cas dedenz les bundes de cele verge ne poent estre termines cessent ceus plais devant le seneschal & soient les pleintifs a la commune lei. Ne desoremes ne preigne le Seneschal conisances des dettes ne dautre chose fors qe de gentz del lostel avantdit. Ne nul autre plai ne tiegnent par obligacion faite a la destresce du Seneschal e des Mareschaus. E si le Seneschal ou les Mareschaus rien facent countre cest ordenement soit leur fet tenu pur nul. E pur ceo qe devant ces houres moutz des felonies fetes dedenz la verge unt este dispunies pur ceo qe les Coroners des pais ne se sont pas entremis denquerre de tieus maneres des felonies dedenz la verge mes le Coroner de lostel le Roy qui est passant de qui issue ne ad mie este fete en due manere ne les felons mis en exigendes ne utlaghes ne rien de ceo presente en Eire qe ad este a grant damage du Roi e a meins bone garde de sa pees ordene est qe desoremes en cas de mort de home ou office de Coroner appent as vewes & enquestes de ceo fere soit mande le Coroner du pais qi ensemblement ove le Coroner del Hostel face loffice qi appent & le mette en roulie. E ceo qe ne porra mie

devant le Seneschal estre termine par ceo qe les felons nei porront estre attachetz ou par autre encheson demoerge a la commune lei issint qe les exigendes utlagheries e presentementz en Eire soient de ceo fetz par le Coroner du pais ausint come des autres felonies fetes dehors la verge. Mes pur ceo ne soit lesse qe les attachementz ne soient fetz freschement sur les felonies faites.

No. 5. 28 Edward I. c. 3.

'made in due Manner, nor the 'Felons put in Exigent, nor 'outlawed, nor any Thing 'presented in the Circuit, the 'which hath been to the great 'Damage of the King, and 'nothing to the good Preser-'vation of his Peace; it is or-'dained, That from hence-'forth in Cases of the Death 'of Men, whereof the Coro-'ner's Office is to make View 'and Enquest, it shall be com-'manded to the Coroner of the 'Country, that he, with the 'Coroner of the King's House, 'shall do as belongeth to his 'Office, and inroll it. And 'that Thing that cannot be de-'termined before the Steward, 'where the Felons cannot be 'attached, or for other like 'Cause, shall be remitted to 'the common Law, so that 'Exigents, Outlawries, and 'Presentments, shall be made 'thereupon in Eyre by the Co-'roner of the Country, as well 'as of other Felonies done 'out of the Verge; neverthe-'less they shall not omit, by 'reason hereof, to make At-'tachments freshly upon the 'Felonies done.'

Which Coroners shall inquire of the Death of a man slain within the Verge.

No. 6.

25 Edward III. st. 5. c. 2.—A Declaration which Offences shall be adjudged Treason.

[Inserted Cl. II. The Act includes the Case of Petty Treason.]

No. 7.

12 Henry VII. c. 7.—Of Murder.

No. 7. 12 Henry VII. c. 7.

'WHERE abominable and wilful prepensed Murders 'be by the Laws of God and of natural Reason for-'bidden, and are to be eschewed; yet not the less, many and 'divers unreasonable and detestable Persons, lacking Grace,

No. 7.
22 Henry VII. c. 7.

'wilfully commit Murder, to the high Displeasure of God, 'and contrary to all the Laws abovesaid, and moreover against 'their natural and obliged Duty, wilfully commit prepensed 'Murder, in slaying their Master, or their immediate Sove-'reign under whom he or they be, or owe Obedience, in 'Trust to eschew the Peril and Execution of the Law by the 'Benefit of their Clergy: In hope whereof, of late one *James* '*Grame*, late of *London*, Yeoman, wilfully assented and pre-'pensed the Murder of one *Richard Tracy* Gentleman, then 'his Master, by him and his prepensed Assent, the ninth Day 'of *February* last past, at *Brentwood* in the County of *Essex*, 'murdered and slain, to the right perilous Ensample of other 'evil disposed:' Wherefore, and in avoiding of like Mischiefs to ensue, by the Assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, be it enacted, That the said *James Grame*, for the Murder of the said *Richard Tracy* his late Master, be attainted of the said Murder as a Felon that hath offended in Pety Treason; and that the same *James*, for the same Murder, shall be drawn, and hanged in such Manner and Form, as by the Law of this Land hath been used in such Cases, as Persons being no Clerks, doing like Murder, have or ought to be punished, any Privilege of his Clergy, or his Demand of the same notwithstanding. Also be it ordained by the said Authority, That if any Lay Person hereafter prepensedly murder their Lord, Master, or Sovereign immediate, that they hereafter be not admitted to their Clergy; and after Conviction or Attainder of any such Person so hereafter offending had after the Course of the Law, that the same Person be put in Execution as though he were no Clerk.

James Grame murdered Richard Tracy his Master.

No Lay Person which doth purposely murder his Master, &c. shall have his Clergy.

No. 8.

4 Henry VIII. c. 2.—Punishment of Murders. Causes of imboldening Men to commit Murders and Felonies. The Benefit of Clergy taken away from such as commit Murder or Felony in any Church, Highway, &c. Trial of a Felon pleading that he was taken out of a privileged Place in a foreign Country.—*For the Continuance hereof, see 22 H. 8. c. 2.*

No. 9.

22 Henry VIII. c. 9.—Wilful Poisoning shall be adjudged High Treason, and the Offender therein shall be boiled to Death.

No. 10.

23 Henry VIII. c. 13.—An Act for Trial of Murders in Cities and Towns.

No. 10. 23 Henry VIII. c. 13.

'FORASMUCH as Trials in Murders and Felonies in 'Cities, Boroughs, and Towns Corporate within this 'Realm, having Authority to proceed in the Deliverance of 'such Offenders, been oftentimes deferred and delayed, by 'reason of Challenge of such Offenders, for lack of Sufficiency 'of Freehold, to the great Hindrance of Justice:' It may therefore be enacted by Authority of this present Parliament, That every Person and Persons, being the King's natural Subject born, which either by the Name of a Citizen, or of a Freeman, or any other Name, doth enjoy and use the Liberties and Privileges of any City, Borough, or Town-Corporate, where he dwelleth and maketh his Abode, being worth in moveable Goods and Substance to the clear Value of Forty Pounds, be from henceforth admitted in Trial of Murders and Felonies in every Sessions and Gaol-delivery, to be kept and holden in and for the Liberty of such Cities, Boroughs, and Towns Corporate, albeit they have no Freehold; any Act, Statute, Use, Custom, or Ordinance to the contrary hereof notwithstanding.

Trial of Felons in Corporate Towns shall be by Men worth xl. li. in Goods.

II. Provided alway, That this Act do not extend, in any Manner of wise, to any Knight or Esquire, dwelling, abiding, or resorting in or to any such City, Town, or Borough Corporate; any Thing in the same Act mentioned or declared to the contrary hereof notwithstanding.

No. 11.

24 Henry VIII. c. 5.—That a Man killing a Thief in his Defence, shall not forfeit his Goods.

No. 12.

33 Henry VIII. c. 12.—The Bill for the Household.

[Inserted in Cl. VI.]

No. 13.

1 Edward VI. c. 12.—An Act for the Repeal of certain Statutes concerning Treasons and Felonies.

[Inserted Class II.]

No. 14.

2 and 3 Edward VI. c. 24. — An Act for Trial of Murders and Felonies committed in several Counties.

No. 14. 2 and 3 Edward VI. c. 24.

Trials of Murders may be in several Counties.

'FORASMUCH as the most necessary Office and Duty of 'the Law is to preserve and save the Life of Man, and 'condignly to punish such Persons that unlawfully and wilfully 'murder, slay or destroy Men, and also that another Office and 'Duty of Law is to punish Robbers and Thieves, which daily 'endeavour themselves to rob and steal, or give Assistance to 'the same, and yet by Craft and Cautele do escape from the 'same without Punishment:

No Indictment by the Common Law of the Death of him that is stricken in one County, and dieth in another.

'II. And where it often happeneth and cometh in ure 'in sundry Counties of this Realm, that a Man is feloniously stricken in one County, and after dieth in another 'County, in which Case it hath not been founden by the Laws 'or Customs of this Realm, that any sufficient Indictment 'thereof can be taken in any of the said two Counties, for 'that by the Custom of this Realm the Jurors of the County 'where such Party died of such Stroke, can take no Knowledge of the said Stroke being in a foreign County, although 'the same two Counties and Places adjoin very near together; 'ne the Juries of the County where the Stroke was given cannot take Knowledge of the Death in another County, although 'such Death most apparently came of the same Stroke: So that 'the King's Majesty within his own Realm cannot, by any 'Laws yet made or known, punish such Murderers or Manquellers, for Offences in this Form committed and done; nor 'any Appeal at some Time may lie for the same, but doth also 'fail, and the said Murderers and Manquellers escape thereof 'without Punishment, as well in Cases where the Counties 'where such Offences be committed and done may join, as 'otherwise where they may not join. And also it is a common Practice amongst errant Thieves and Robbers in this 'Realm, that after they have robbed or stoln in one County, 'they will convey their Spoil, or Part thereof so robbed and 'stoln, unto some of their Adherents into some other County 'where the principal Offence was not committed ne done, who 'knowing of such Felony, willingly and by false Covin receiveth the same: In which Case, although the principal Felon 'be after attainted in one County, the Accessary escapeth by 'reason that he was accessary in another County, and that the 'Jurors of the said other County, by any Law yet made, can 'take no Knowledge of the the principal Felony ne Attainder 'in the first County, and so such Accessaries escape thereof 'unpunished, and do often put in ure the same, knowing that 'they may escape without Punishment:' For Redress and

The Trial of a Manqueller that poisons or strikes a Man in one County

Punishment of which Offences, and Safeguard of Man's Life, be it enacted by the Authority of this present Parliament, That where any Person or Persons hereafter shall be feloniously stricken or poisoned in one County, and die of the same

Stroke or Poisoning in another County, that then an Indictment thereof founden by Jurors of the County where the Death shall happen, whether it shall be founden before the Coroner upon the Sight of such dead Body, or before the Justices of Peace, or other Justices or Commissioners which shall have Authority to enquire of such Offences, shall be as good and effectual in the Law, as if the Stroke or Poisoning had been committed and done in the same County where the Party shall die, or where such Indictment shall be so founden; any Law or Usage to the contrary notwithstanding.

No. 11. 2 and 3 Edward VI c. 24. which died thereof in another.

III. And that the Justices of Gaol-delivery and *Oyer* and *Terminer* in the same County where such Indictment at any Time hereafter shall be taken, and also the Justices of the King's Bench, after such Indictment shall be removed before them, shall and may proceed upon the same in all Points, as they should or ought to do, in Case such felonious Stroke and Death thereby ensuing, or Poisoning and Death thereof ensuing, had grown all in one and the same County: And that such Party to whom Appeal of Murder shall be given by the Law, may commence, take and sue Appeal of Murder in the same County where the Party so feloniously stricken or poisoned shall die, as well against the Principal and Principals as against every Accessary to the same Offences, in whatsoever County or Place the Accessary or Accessaries shall be guilty to the same. And further, the Justices before whom any such Appeal shall be commenced, sued and taken, within the Year and Day after such Murder and Manslaughter committed and done, shall proceed against all and every such Accessary and Accessaries in the same County where such Appeal shall be so taken, in like Manner and Form as if the same Offence or Offences of Accessary or Accessaries had been committed and done in the same County where such Appeal shall be so taken, as well concerning the Trial by the Jurors, or twelve Men of such County where such Appeal or Appeals shall be hereafter taken upon the Plea of Not guilty pleaded by such Offender or Offenders, as otherwise.

Where an Appeal of Murder in the Case aforesaid shall be pursued.

Appeal against the Accessary.

IV. And further be it enacted by Authority aforesaid, That where any Murder or Felony hereafter shall be committed and done in one County, and another Person or mo shall be Accessary or Accessaries in any manner of wise to any such Murder or Felony in any other County, that then an Indictment found or taken against such Accessary and Accessaries upon the Circumstance of such Matter before the Justices of the Peace, or other Justices or Commissioners, to enquire of Felonies in the County where such Offences of Accessary or Accessaries in any manner of wise shall be committed or done, shall be as good and effectual in the Law, as if the said principal Offence had been committed or done within the same County where the same Indictment against such Accessary shall be found: And that the Justices of Gaol-delivery, or *Oyer* and *Terminer*, or two of them, of or in such County where the Offence of any such Accessary shall be hereafter committed

Trial of an Accessary in one County to a Felony done in another.

No. 14. 2 and 3 Edward VI. c. 24.

and done, upon Suit to them made, shall write to the *Custos Rotulor'* or Keeper of the Records where such Principal shall be hereafter attainted or convicted, to certify them whether such Principal be attainted, convicted or otherwise discharged of such principal Felony; who upon such writing to them or any of them directed, shall make sufficient Certificate in Writing under their Seal or Seals to the said Justices, whether such Principal be attainted, convicted or otherwise discharged or not. And after they that so shall have the Custody of such Records, do certify that such Principal is attainted, convicted or otherwise discharged of such Offence by the Law; that then the Justices of Gaol-delivery, or of *Oyer* and *Terminer*, or other there authorized, shall proceed upon every such Accessary in the County where such Accessary or Accessaries became accessary, in such Manner and Form as if both the said principal Offence and Accessary had been committed and done in the said County where the Offence of Accessary was or shall be committed or done: And that every such Accessary, and other Offenders above expressed, shall answer upon their Arraignments, and receive such Trial, Judgment, Order and Execution, and suffer such Forfeitures, Pains and Penalties, as is used in other Cases of Felony; any Law or Custom to the contrary heretofore used in any wise notwithstanding.

No. 15.

4 and 5 Philip and Mary, c. 4.--An Act that Accessaries in Murder and divers Felonies shall not have the Benefit of Clergy.

No. 15. 4 and 5 Philip and Mary, c. 4.

Accessaries in Petty Treason, Felony, Murder, shall not have their Clergy.

'FOR the due Punishment of such as command, counsel 'or hire any Person or Persons to commit, perpetrate 'or do any Petty Treason, wilful Murder, or any of the 'Offences in this present Act mentioned:' Be it enacted by the Authority of this present Parliament, That all and every Person and Persons, that after the first Day of *March* next coming shall maliciously command, hire or counsel any Person or Persons to commit or do any Petty Treason, wilful Murder, or to do any Robbery in any Dwelling-house or Houses, or to commit or do any Robbery in or near any Highway in the Realm of *England*, or in any other the Queen's Dominions, or to commit or do any Robbery in any Place within the Marches of *England* against *Scotland*, or wilfully to burn any Dwelling-house or any Part thereof, or any Barn then having Corn or Grain in the same; that then every such Offender or Offenders, and every of them being outlawed thereof, or being thereof arraigned and found guilty by the Order of the Law, or being otherwise lawfully attainted or convicted of the same Offence; or being arraigned thereof do stand mute of Malice or froward Mind, or do challenge peremptory above the Number of

twenty Persons, or will not answer directly to such Offence, shall not have the Benefit of his or their Clergy. No. 15. 4 and 5 Philip and Mary, c. 4.

II. Provided always, and be it enacted, That every Lord and Lords of the Parliament, and Peer and Peers of the Realm, having Place and Voice in the Parliament, upon every Indictment for any of the Offences aforesaid, shall be tried by their Peers, as hath been accustomed by the Laws of this Realm. Trial of a Lord by his Peers.

No. 16.

1 James I. c. 8.—An Act to take away the Benefit of Clergy for some Kind of Manslaughter.*

'TO the End that stabbing and killing Men on the sudden, 'done and committed by many inhumane and wicked 'Persons, in the Time of their Rage, Drunkenness, hidden 'Displeasure, or other Passion of Mind, contrary to the Commandment of Almighty GOD, and the common Peace 'and Tranquillity of this Realm, may from henceforth be 'restrained through fear of due Punishment to be inflicted on 'such cruel and bloody Malefactors, who heretofore have been 'thereunto emboldened by presuming on the Benefit of 'Clergy:' No. 16 1 James I. c. 8. Clergy taken from him that doth stab another having not a Weapon drawn.

II. Be it therefore enacted by the King's most excellent Majesty, the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, That every Person and Persons which after one Month next ensuing the End of this present Session of Parliament, shall stab or thrust (1.) any Person or

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* This Statute was made upon the Spur of the Times, on account of the Quarrels between the English and the Scotch, upon the first Union of the two Crowns, and in order to obviate the Inconvenience arising from the Compassion of Juries, who were apt to consider that to be a Provocation for extenuating Murder, which was not so in Law.—It was agreed by the Judges in Lord Morley's Case, that the Statute was only declaratory of the Common Law; and Mr. Justice Foster, in commenting upon it, has in Conformity with this Opinion declared, that whenever the Defendant is indicted at Common Law, and also upon the Statute, the Question most worthy of Consideration is, whether the Fact upon the Evidence be Murder at the Common Law, or not? In all Cases of Doubt, therefore, the Construction upon the Statute ought to be in Conformity with the benign Principles of the Common Law; and all Circumstances which, at Common Law, will serve to justify, excuse, or alleviate, on a Charge of Murder, have always had their due Weight in Prosecutions grounded on the Statute; 1 East, P. C. c. 5 § 28.

(1.) The Statute is confined to the very Person stabbing or thrusting, and does not extend to others aiding or abetting; 1 Hale, 468; Foster, 355.—The thrusting with a Stick or other blunt Weapon seems within the Statute: so shooting with Fire-arms, or sending an Arrow out of a Bow, or using any Device of that Kind, holden in the Hand of the Party at the Instant of discharging it: but Qu. as to the Case of a Pistol, or a Blow with a Sword. Where the Weapon is delivered out of the Hand at the Time the Stroke is given, as by casting a Hammer, or where a Sword was thrown twenty Yards, it has been thought that the Case was not within the Statute; see 1 East, P. C. c. 5. § 29, and the Authorities there referred to..

No. 16. 1 James I. c. 8.

Persons that hath not then (2.) any Weapon drawn, (3.) or that hath not then first (4) stricken the Party which shall so stab or thrust, so as the Person or Persons so stabbed or thrust shall thereof die within the Space of six Months then next following, although it cannot be proved that the same was done of Malice forethought, yet the Party so offending, and being thereof convicted by Verdict of twelve Men, Confession, or otherwise according to the Laws of this Realm, shall be excluded from the Benefit of his or their Clergy, and suffer Death as in case of wilful Murder. (5.)

Killing another in Defence of himself, by Misfortune, in preserving the Peace, or giving Correction.

III. Provided always, That this Act, or any Thing therein contained, shall not extend to any Person or Persons which shall kill any Person or Persons *se defendendo*, or by Misfortune, or in any other Manner than as aforesaid; nor shall extend to any Person or Persons which in keeping and preserving the Peace shall chance to commit Manslaughter, so as the said Manslaughter be not committed wittingly, willingly and of Purpose, under Pretext and Colour of keeping the Peace; nor shall extend to any Person or Persons which in chastising or correcting his Child or Servant, shall besides his or their Intent and Purpose chance to commit Manslaughter. This Act to continue until the End of the first Session of the next Parliament. (6.) [Continued by 3 Car. 1. c. 4. and 16 Car. 1. c. 4.]

(2.) Q. Whether this relates to the whole Time of the Combat, or only to the Instant when the Stab is given? - Upon which the Judges were divided in Hunter's Case, 3 Lev. 255, "It appears upon the whole, that if the Party killed be at any one Instant of Time during the Controversy, out of the Protection of the Statute, the Case will not be governed by the Statute;" 2 East, P. C. c. 5. § 29.

(3.) If another Person acting in concert with the Party killed had a Weapon drawn, it is sufficient to take the Case out of the Statute; as where a Person stood with a Sword undrawn to stop the Prisoner from going out, while a Bailiff was sent for to arrest him; Buckner's Case, Syles 163. A Cudgel or other Thing proper for Annoyance, is sufficient to take a Case out of the Statute; East, ibid.; Foster, 300.

(4.) In Byard's Case, W. Jones, 340, this was held to relate only to the Case of the Person killed having stricken the first Blow; but contrary to this Opinion, if such Person has stricken at all before the mortal Blow given, the Case is not within the Statute; 1 East, ibid., and Authorities there cited.

(5.) The Indictment ought to follow the Words of the Statute, and alledge that the Prisoner stabbed the Deceased, he having then no Weapon drawn, nor having first stricken; and, come semble, should alledge that the Death took place within six Months. It is usual to conclude *contra formam Statuti*, but not necessary, as the Statute only takes away the Benefit of Clergy from an Act which is Felony at Common Law. If the Indictment charges that A. stabbed and B. aided and abetted, and it is proved that B. stabbed and A. aided and abetted, there can be no Judgment on the Statute, but only Judgment for Manslaughter at Common Law. See 1 East, c. 5. § 118.

(6.) For other Cases of Extenuation, which have been held to take the Offence out of the Act, see 1 East, c. 5. § 29; concluding with the Opinion of Glyn C. J. in Buckner's Case, Syles, 467—That, in order to bring a Case within the Statute, there ought to be Malice.

No. 17.

21 James I. c. 27.—An Act to prevent the Destroying and Murthering of Bastard Children.

[Repealed 43 Geo. III. c. 58.]

No. 18.

2 George II. c. 21. — An Act for the Trial of Murders, in Cases where either the Stroke or Death only happens within that Part of *Great Britain* called *England.*

FOR preventing any Failure of Justice and taking away all Doubts touching the Trial of Murders in the Cases hereinafter mentioned, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Person, at any Time after the twenty-fourth Day of *June* in the Year of our Lord one thousand seven hundred and twenty-nine, shall be feloniously stricken or poisoned upon the Sea, or at any Place out of that Part of the Kingdom of *Great Britain* called *England*, and shall die of the same Stroke or Poisoning within that Part of the Kingdom of *Great Britain* called *England*; or where any Person, at any Time after the twenty-fourth Day of *June* in the Year of our Lord one thousand seven hundred and twenty-nine, shall be feloniously stricken or poisoned at any Place within that Part of *Great Britain* called *England*, and shall die of the same Stroke or Poisoning upon the Sea, or at any Place out of that Part of the Kingdom of *Great Britain* called *England*; in either of the said Cases an Indictment thereof found by the Jurors of the County in that Part of the Kingdom of *Great Britain* called *England*, in which such Death, Stroke or Poisoning shall happen respectively as aforesaid, whether it shall be found before the Coroner upon the View of such dead Body, or before the Justices of the Peace, or other Justices or Commissioners, who shall have Authority to inquire of Murders, shall be as good and effectual in the Law, as well against the Principals in any such Murder, as the Accessaries thereunto, as if such felonious Stroke and Death thereby ensuing, or Poisoning and Death thereby ensuing, and the Offence of such Accessaries, had happened in the same County where such Indictment shall be found; and that the Justices of Gaol Delivery and *Oyer* and *Terminer* in the same County where such Indictment shall be found, and also any superior Court, in case such Indictment shall be removed into such superior Court, shall and may proceed upon the same in all Points, as well against the Principals in any such Murder, as the Accessaries thereto, as they might or ought to do, in case such felonious Stroke and Death thereby ensuing, or Poi-

No. 18. 2 George II. c. 21.

Persons feloniously stricken or poisoned on the Sea, &c. an Indictment found by Jurors shall be good against Principal and Accessaries.

Justices of Gaol Delivery shall proceed thereon.

No. 18. 2 George II. c. 21. soning and Death thereby ensuing, and the Offence of such Accessaries, happened in the same County where such Indictment shall be found; and that every such Offender, as well Principal as Accessary, shall answer upon their Arraignments, and have the like Defences, Advantages and Exceptions (except Challenges for the Hundred) and shall receive the like Trial, Judgment, Order and Execution, and suffer such Forfeitures, Pains and Penalties, as they ought to do, if such felonious Stroke and Death thereby ensuing, or Poisoning and Death thereby ensuing, and the Offence of such Accessaries had happened in the same County where such Indictment shall be found.

and Offenders shall answer and receive the like Trial, &c. as if the Murder had happened in the County.

No. 19.

25 George II. c. 37.---An Act for better preventing the horrid Crime of Murder.*

No. 19. 25 George II. c. 37.

'WHEREAS the horrid Crime of Murder has of late been 'more frequently perpetrated than formerly, and par-'ticularly in and near the Metropolis of this Kingdom, contrary 'to the known Humanity and natural Genius of the *British* 'Nation: And whereas it is thereby become necessary, that 'some further Terror and peculiar Mark of Infamy be added 'to the Punishment of Death now by Law inflicted on such as 'shall be guilty of the said heinous Offence;' May it please your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *Easter* Term in the Year of our Lord one thousand seven hundred and fifty-two, all Persons who shall be found guilty of wilful Murder, be executed according to Law, on the Day next but one after Sentence passed, unless the same shall happen to be the Lord's Day, commonly called *Sunday*, and in that Case on the *Monday* following.

Murderers to be executed the next Day but one after Sentence,

II. And be it further enacted by the Authority aforesaid, That the Body of such Murderer so convicted shall, if such Conviction and Execution shall be in the County of *Middlesex*, or within the City of *London* or the Liberties thereof, be immediately conveyed by the Sheriff or Sheriffs, his or their Deputy or Deputies, and his or their Officers, to the Hall of the *Surgeons Company*, or such other Place as the said Company shall appoint for this Purpose, and be delivered to such Person as the said Company shall depute or appoint, who shall give to the Sheriff or Sheriffs, his or their Deputy or Deputies, a Receipt for the same; and the Body so delivered to the said

and their Bodies delivered to Surgeons Hall.

* By the Irish Statute, 36 Geo. III. c. 27, conspiring to murder any Person—and by Stat. 38 Geo. III. c. 57, proposing to, soliciting, encouraging, persuading, or endeavouring to encourage or persuade to murder, are made capital Felonies.

Company of *Surgeons*, shall be dissected and anatomized by the said *Surgeons*, or such Person as they shall appoint for that Purpose: And in case such Conviction and Execution shall happen to be in any other County or other Place in *Great Britain*, then the Judge or Justice of Assize, or other proper Judge, shall award the Sentence to be put in Execution the next Day but one after such Conviction (except as is before excepted) and the Body of such Murderer shall in like Manner be delivered by the Sheriff, or his Deputy, and his Officers, to such Surgeon as such Judge or Justice shall direct for the Purpose aforesaid. (1.) No. 19. 25 George II. c. 37.

III. And be it further enacted by the Authority aforesaid, That Sentence shall be pronounced in open Court immediately after the Conviction of such Murderer, and before the Court shall proceed to any other Business, unless the Court shall see reasonable Cause for postponing the same; in which Sentence shall be expressed not only the usual Judgment of Death, but also the Time appointed hereby for the Execution thereof, and the Marks of Infamy hereby directed for such Offenders, in order to impress a just Horror in the Mind of the Offender, and on the Minds of such as shall be present, of the heinous Crime of Murder. (2.) Sentence to be pronounced immediately

IV. Provided always, and be it enacted, That after such Sentence pronounced as aforesaid, in case there shall appear reasonable Cause, it shall and may be lawful to and for such Judge or Justice, before whom such Criminal shall have been so tried, to stay the Execution of the Sentence, at the Discretion of such Judge or Justice, Regard being always had to the true Intent and Purpose of this Act. Justice may stay Execution;

V. Provided also, That it shall be in the Power of any such Judge or Justices to appoint the Body of any such Criminal to be hung in Chains: But that in no Case whatsoever the Body of any Murderer shall be suffered to be buried; unless after such Body shall have been dissected and anatomized as aforesaid; and every such Judge or Justice shall, and is hereby required to direct the same either to be disposed of as aforesaid, to be anatomized, or to be hung in Chains, in the same Manner as is now practised for the most atrocious Offences. and appoint the Body to be hung in Chains, or anatomized.

VI. And be it further enacted by the Authority aforesaid, That from and after such Conviction, and Judgment given Prisoner to be confined to some Cell.

(1.) It was agreed by the Judges in the Case of Swann and Jefferys, in 1752, that the Time of the Execution and the delivery of the Body to the Surgeons to be dissected and anatomized should form Part of the Judgment; and that such Judgment should be pronounced in Cases of Petty Treason as well as in other Cases of Murder. After Sentence pronounced the Judge may, by special Order, direct the hanging in Chains. The Statute extends to Peers, and in Case the Day appointed for Execution should lapse, a new Day may be appointed, either by the High Court of Parliament, or by the King's Bench, the Parliament not being then sitting, and the Record being properly removed; Lord Ferrer's Case, 1765; Foster, 138; 1 East, P. C. Ch. 5. § 136.

(2.) Semble that a Sentence pursuant to this Act may be passed by the Judge at Nisi Prius, upon an Indictment removed by Certiorari unto the Court of King's Bench; R. v. Thomas, 4 M. and S. 442.

No 19. 25 Geo. II. c. 37

thereupon, the Gaoler or Keeper to whom such Criminal shall be delivered for safe Custody, shall confine such Prisoner to some Cell, or other proper and safe Place within the Prison, separate and apart from the other Prisoners; and that no Person or Persons whatsoever, except the Gaoler or Keeper, or his Servants, shall have Access to any such Prisoner, without Licence being first obtained for that Purpose under the Hand of such Judge or Justice, before whom such Offender shall have been tried, or under the Hand of the Sheriff, his Deputy or Under Sheriff.

Judge may relax.

VII. Provided always, That in case any such Judge or Justices shall see Cause to respite the Execution of such Offender so condemned as aforesaid, such Judge or Justices may relax or release any or all of the Restraints or Regulations herein before or herein after directed to be observed by the Gaoler or Keeper of the Prison where such Prisoner shall be confined, by any Licence in Writing signed by such Judge or Justice for that Purpose, for and during the Time of such Stay of Execution; any Thing herein before contained to the contrary thereof notwithstanding.

Prisoner fed with Bread and Water except, &c.

VIII. And be it further enacted by the Authority aforesaid, That after Sentence passed as aforesaid, and until the Execution thereof, such Offender shall be fed with Bread and Water only, and with no other Food or Liquor whatsoever (except in case of receiving the Sacrament of the Lord's Supper, and except in case of any violent Sickness or Wound, in which case some known Physician, Surgeon or Apothecary may be admitted by the Gaoler or Keeper of the said Prison to administer Necessaries; the Christian and Surname of such Physician, Surgeon or Apothecary, and his Place of Abode, being first entered in the Books of such Prison or Gaol, there to remain), and in case such Gaoler or Prison-keeper shall offend against or neglect to put in Execution any of the Directions or Regulations hereby enacted to be observed, such Gaoler or Prison-keeper shall for such Offence forfeit his Office, and be fined in the Sum of twenty Pounds, aud suffer Imprisonment until the same be paid.

Penalty of rescuing a Murderer.

IX. And be it enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall by Force set at Liberty, or rescue or attempt to rescue or set at Liberty, any Person out of Prison who shall be committed for, or found guilty of Murder, or rescue or attempt to rescue any Person convicted of Murder going to Execution, or during Execution, every Person so offending shall be deemed, taken and adjudged to be guilty of Felony, and shall suffer Death without Benefit of Clergy.

Penalty of rescuing the Body after Execution.

X. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall, after such Execution had, by Force rescue or attempt to rescue the Body of such Offender out of the Custody of the Sheriff or his Officers, during the Conveyance of such Body to any of the

Places hereby directed, or shall by Force rescue or attempt to rescue such Body from the Company of *Surgeons*, or their Officers or Servants, or from the House of any Surgeon where the same shall have been deposited in pursuance of this Act: every Person so offending shall be deemed and adjudged to be guilty of Felony, and shall be liable to be transported to some of his Majesty's Colonies or Plantations in *America* for the Term of seven Years, in like Manner as is directed by the Laws now in Force relating to the Transportation of Felons, and shall be subject to the like Punishment and Methods of Conviction, in case of returning into, or being found at large within *Great Britain*, within the said Term of seven Years, in all Respects, as by Law other Felons are subject to, in case of unlawfully returning from Transportation.

No. 19. 25 George II. c. 37.

XI. Provided always, and it is hereby enacted by the Authority aforesaid, That nothing herein contained shall extend to repeal or alter so much of an Act made in the eleventh Year of his late Majesty's Reign, (intituled, "An Act for the more effectual disarming the *Highlands* in that Part of *Great Britain* called *Scotland*; and for the better securing the Peace and Quiet of that Part of the Kingdom") as relates to the Suspension of the Execution of Persons convicted of Capital Offences within that Part of *Great Britain* called *Scotland*, for the respective Times in the said Act mentioned; any Thing herein before mentioned to the contrary notwithstanding.

This Act not to extend to 11 Geo. 1. c. 26.

No. 20.

43 George III. c. 58.—An Act for the further Prevention of malicious shooting, and attempting to discharge loaded Fire-Arms, stabbing, cutting, wounding, poisoning, and the malicious using of Means to procure the Miscarriage of Women; and also the malicious setting Fire to Buildings; and also for repealing a certain Act, made in *England* in the twenty-first Year of the late King *James* the First, intituled, "An Act to prevent the destroying and murthering of Bastard Children;" and also an Act made in *Ireland* in the sixth Year of the Reign of the late Queen *Anne*, also intituled, "An Act to prevent the destroying and murthering of Bastard Children;" and for making other Provisions in lieu thereof.—[24th. *June* 1803.]

'WHEREAS divers cruel and barbarous Outrages have 'been of late wickedly and wantonly committed in 'divers Parts of *England* and *Ireland*, upon the Persons of 'divers of his Majesty's Subjects, either with an Intent to

No. 20. 43 George III. c. 58.

No. 20.
43 George III. c. 58.

'murder, or to rob, or to maim, disfigure, or disable, or to do 'other grievous bodily Harm to such Subjects: And whereas 'the Provisions now by Law made for the Prevention of such 'Offences have been found ineffectual for that Purpose: And 'certain other heinous Offences, committed with Intent to de-'stroy the Lives of his Majesty's Subjects by Poison, or with 'Intent to procure the Miscarriage of Women, or with 'Intent by burning to destroy or injure the Buildings and other 'Property of his Majesty's Subjects, or to prejudice Persons 'who have become Insurers of or upon the same, have been of 'late also frequently committed, but no adequate Means have 'been hitherto provided for the Prevention and Punishment of 'such Offences:' be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Persons in England or Ireland who shall maliciously shoot, or attempt to shoot at, or shall stab or cut, with Intent to murder, rob, or maim, &c. any of his Majesty's Subjects, or to prevent Arrests of Culprits, or shall administer Poison (see § 2); or shall maliciously set Fire to any House, &c. shall be guilty of Felony without Clergy.

That if any Person or Persons, from and after the first Day of *July* in the Year of our Lord one thousand eight hundred and three, shall, either in *England* or *Ireland*, wilfully, maliciously, and unlawfully shoot at any of his Majesty's Subjects, or shall wilfully, maliciously, and unlawfully present, point, or level any Kind of loaded Fire-Arms at any of his Majesty's Subjects, and attempt, by drawing a Trigger, or in any other Manner, to discharge the same at or against his or their Person or Persons, or shall wilfully, maliciously, and unlawfully stab or cut (1.) any of his Majesty's Subjects, with Intent in so doing, or by means thereof, to murder, or rob, or to maim, disfigure, or disable such his Majesty's Subject or Subjects, or with Intent (2.) to do some other grievous bodily Harm to such his Majesty's Subject or Subjects, or with Intent to obstruct, resist, or prevent the lawful Apprehension and Detainer of the Person or Persons so stabbing or cutting, or the lawful Apprehension and Detainer of any of his, her, or their Accomplices for any Offences for which he, she, or they may respectively be liable by Law to be apprehended, imprisoned, or detained; or shall wilfully, maliciously, and unlawfully administer to, or cause to be administered to or taken by any of his Majesty's Subjects, any deadly Poison, or other noxious and destructive Substance or Thing, with Intent such his Majesty's Subject or Subjects thereby to murder, or thereby to cause and procure the Miscarriage of any Woman then being quick with Child; (3.) or shall wilfully, maliciously, and unlawfully set Fire to any House,

(1.) In a Case at Chester Assizes, before Dallas, C. J. and Burton, J. it was ruled that a Blow with the Handle of a Windlass, which made an Incision, was not a Cutting within this Act.

(2.) Upon a Case at Chester, before Dallas, C. J. and Burton, J. after respiting Judgment and consulting other Judges, it was held that an Indictment for cutting with Intent to do some grievous bodily Harm, without saying "in so doing or by means thereof," was not sufficient.

(3.) It is observable that the using an Instrument, &c. with Intent to cause Abortion, which by Section II. is a clergyable Felony in case of the Woman not being quick with Child, is not noticed by this Act in the Case of a Woman being quick with Child.

Barn, Granary, Hop Oast, Malthouse, Stable, Coach House, Outhouse, Mill, Warehouse, or Shop, whether such House, Barn, Granary, Hop Oast, Malthouse, Stable, Coach House, Outhouse, Mill, Warehouse, or Shop, shall then be in the Possession of the Person or Persons so setting Fire to the same, or in the Possession of any other Person or Persons, or of any Body Corporate, with Intent thereby to injure or defraud (4.) his Majesty or any of his Majesty's Subjects, or any Body Corporate, that then and in every such Case the Person or Persons so offending, their Counsellors, Aiders, and Abettors, knowing of and privy to such Offence, shall be and are hereby declared to be Felons, and shall suffer Death as in Cases of Felony without Benefit of Clergy;' Provided always, that in case it shall appear on the Trial of any Person or Persons indicted for the wilfully, maliciously, and unlawfully shooting at any of his Majesty's Subjects, or for wilfully, maliciously, and unlawfully presenting, pointing, or levelling any Kind of loaded Fire-Arms at any of his Majesty's Subjects, and attempting, by drawing a Trigger, or in any other Manner, to discharge the same at or against his or their Person or Persons, or for the wilfully, maliciously, and unlawfully stabbing or cutting any of his Majesty's Subjects with such Intent as aforesaid, that such Acts of stabbing or cutting were committed under such Circumstances as that if Death had ensued therefrom, the same would not in Law have amounted to the Crime of Murder, that then and in every such Case the Person or Persons so indicted shall be deemed and taken to be not guilty of the Felonies whereof they shall be so indicted, but be thereof acquitted.

No. 20. 43 George III c. 58.

When the killing by such stabbing, &c. is not Murder by Law, the Parties indicted under this Act shall be acquitted.

II. 'And whereas it may sometimes happen that Poison 'or some other noxious and destructive Substance or Thing 'may be given, or other Means used, with Intent to procure 'Miscarriage or Abortion where the Woman may not be quick 'with Child at the Time, or it may not be proved that she was 'quick with Child;' be it therefore further enacted, That if any Person or Persons, from and after the said first Day of *July* in the said Year of our Lord one thousand eight hundred and three, shall wilfully and maliciously administer to, or cause to be administered to, or taken by any Woman, any Medicines, Drug, or other Substance or Thing whatsoever, or shall use or employ, or cause or procure to be used or employed, any Instrument or Means whatsoever, with Intent thereby to cause or procure the Miscarriage of any Woman not being, or not being proved to be, quick with Child at the Time of administering such Things or using such Means, that then and in every such Case the Person or Persons so offending, their Counsellors, Aiders, and Abettors, knowing of and privy to such Offence, shall be and are hereby declared to be guilty of Felony, and shall be liable to be fined, imprisoned, set in and upon the Pillory, publickly or privately whipped, or to suffer one or

Punishment of Persons administering Medicines to Women though not quick with Child, to procure Miscarriage, Felony, punishable by Imprisonment or Transportation.

(4.) An unstamped Memorandum on a Policy of Insurance, not admissible in Support of an Indictment upon this Act; R. v. Gibson. 1 Taunt. 95.

No. 20. 43 George III. c. 58. more of the said Punishments, or to be transported beyond the Seas for any Term not exceeding fourteen Years, at the Discretion of the Court before which such Offender shall be tried and convicted.

English Act. 21 Jac. 1. c. 27. and Irish Act 6 Annæ, c. 4. repealed.

III. 'And whereas Doubts have been entertained respecting the true Sense and Meaning of a certain Act of Parliament, made in *England* in the twenty-first Year of the Reign of his late Majesty King *James* the first, intituled, "An Act to prevent the destroying and murthering of Bastard Children;" and also of a certain other Act of Parliament, made in *Ireland* in the sixth Year of the Reign of her late Majesty Queen *Anne*, also intituled, "An Act to prevent the destroying and murthering of Bastard Children;" and the same have been found in sundry Cases, difficult and inconvenient to be put in Practice;' for Remedy whereof, be it enacted by the Authority aforesaid, That, from and after the first Day of *July* in the Year of our Lord one thousand eight hundred and three, the said two several Acts, and every Thing therein contained, shall be, and the same are hereby repealed; and that, from and after the said first Day of *July* in the said Year of our Lord one thousand eight hundred and three, the Trials in *England* and *Ireland* respectively of Women charged with the Murder of any Issue of their Bodies, Male or Female, which being born alive would by Law be Bastard, shall proceed and be governed by such and the like Rules of Evidence and of Presumption as are by Law used and allowed to take place in respect to other Trials for Murder, and as if the said two several Acts had never been made.

Trials of Women for Murder of Bastards shall proceed as in other Cases of Murder.

Women acquitted of such Murder may, in Cases of Concealment, be imprisoned.

IV. Provided always, and be it enacted, That it shall and may be lawful for the Jury by whose Verdict any Prisoner charged (5) with such Murder as aforesaid shall be acquitted, to find, in case it shall so appear in Evidence that the Prisoner was delivered of Issue of her Body, Male or Female, which, if born alive, would have been Bastard, and that she did, by secret Burying or otherwise, endeavour to conceal the Birth thereof, and thereupon it shall be lawful for the Court before which such Prisoner shall have been tried, to adjudge that such Prisoner shall be committed to the Common Gaol or House of Correction for any Time not exceeding two Years:

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(5) This extends to the Case of a Person charged with Murder by the Coroner's Inquest, R. v. Cole, 2 Leach, 4th. Edit 1095. -- Q. Whether it would not be desirable to make the Concealment a substantive Offence.

Part V. Class V.

RAPE, POLYGAMY, FORCIBLE MARRIAGE, &c.

No. 1.

Edward I. c. 13.—The Punishment of him that doth ravish a Woman

Cotton *MS.*

ET le Roi defende qe nul ne revise, ne preigne a force damiselle dedeinz age, ne par son gree, ne sauns son gree, ne dame ne damoiselle dage, nautre femme malgre seon; Et si nul le face, a la suite celui qi suera dedeinz les quarant jours, le Roi lui fra comune droiture; et si nul comence la suite dedeinz quarant jours, le Roi suiera; et ceux qil trovera coupables, si averont la prisone de deux anns, et puis serront reintz a la volunte le Roi; et sil neient dount estre reintz a la volunte le Roi, si soient puny per pluis longe prisone, selonc ceo qe le trespas demande.

'AND the King prohibiteth that none do ravish, nor take away by Force, any Maiden within Age (neither by her own Consent, nor without) nor any Wife, or Maiden of full Age, nor any other Woman against her Will; and if any do, at his Suit that will sue within forty Days, the King shall do common Right; and if none commence his Suit within forty Days, the King shall sue; and such as be found culpable, shall have two Years Imprisonment, and after shall fine at the King's Pleasure; and if they have not whereof, they shall be punished by longer Imprisonment, according as the Trespass requireth.'

No. 1. 3 Edward I.

No. 2.

13 Edward I. c. 34.- - It is Felony to commit Rape. A married Woman elopeth with an Advouterer. The Penalty for carrying a Nun from her House.

Ex Rot. in Turr. Lond.

No. 2. 13 Edward I. c. 34

It is a Felony to ravish a Woman.

IT is provided, That if a Man from henceforth do ravish a Woman married, Maid, or other, where she 'did not consent, neither before nor after, he shall have 'Judgement of Life, and of 'Member. And likewise 'where a Man ravisheth a Wo'man married, Lady, Damo'sel, or other, with Force, 'although she consent after, he shall have such Judge'ment as before is said, if he be 'attainted at the King's Suit, 'and there the King shall have 'the Suit. And of Women 'carried away with the Goods 'of their Husbands, the King 'shall have the Suit for the 'Goods so taken away. And 'if a Wife willingly leave her 'Husband, and go away, and 'continue with her Advoute'rer, she shall be barred for 'ever of Action to demand her 'Dower, that she ought to have 'of her Husband's Lands, if 'she be convict thereupon, ex'cept that her Husband wil'lingly, and without Coertion 'of the Church, reconcile her, 'and suffer her to dwell with 'him; in which Case she shall 'be restored to her Action. 'He that carrieth a Nun from 'her House, although she con'sent, shall be punished by 'three Years Imprisonment, 'and shall make convenient 'Satisfaction to the House from 'whence she was taken, and 'nevertheless shall make Fine 'at the King's Will.'

If a Wife do elope with an Advouterer, she shall forfeit her Dower.

Taking away of a Nun.

PURVEU est que si homme ravise femme espouse damoiselle ou autre femme desoremes par la ou ele ne se est assentue ne avaunt ne apres eit jugement de vie & de membre. E ensement par la ou home ravist femme dame espouse damoiselle ou autre femme a force tut seit ke ele se assente apres eit tel jugement come avaunt est dit si il seit ateint a la suite le Rei e la eit le Rei sa suite. De mulieribus abductis cum bonis viri habeat Rex sectam de bonis sic asportatis. Et uxor si sponte reliquerit virum suum & abierit & moretur cum adultero suo amittat imperpetuum actionem petendi dotem suam que ei competere posset de tenemento viri si super hoc convincatur nisi vir suus sponte & absque cohertione ecclesiastica eam reconciliet & secum cohabitare permittat in quo casu restituatur ei actio. Qui monialem a domo sua abducat licet monialis consentiat puniatur per prisonam trium & satisfaciat domui a qua abducta fuerit competenter & nichilominus redimatur ad voluntatem Regis.

No. 3.

13 Edward I. c. 35.—In what Cases do lie a Writ of Ravishment of Ward, *Communi Custodia Ejectione*, &c.

No. 4.

3 Henry VII. c. 2.—The Penalty for carrying a Woman away against her Will that hath Lands or Goods.

No. 4 3 Henry VII. c. 2.

'ITEM, Where Women, as well Maidens, as Widows, 'and Wives, having Substances, some in Goods move-'able, and some in Lands and Tenements, and some being 'Heirs apparent unto their Ancestors, for the Lucre of such 'Substances been oftentimes taken by Mis-doers, contrary to 'their Will, and after married to such Mis-doers, or to other 'by their Assent, or defoiled, to the great Displeasure of God, 'and contrary to the King's Laws, and Disparagements of the 'said Women, and utter Heaviness and Discomfort of their 'Friends, and to the evil Ensample of all other:' It is therefore ordained, established, and enacted, by our Sovereign Lord the King, by the Advice of the Lords Spiritual and Temporal, and the Commons, in the said Parliament asssembled, and by Authority of the same, That what Person or Persons from henceforth that taketh any Woman so (1.) against her Will unlawfully, that is to say, Maid, Widow, or Wife, that such taking, procuring, and abetting (2.) to the same and also receiving wittingly the same Woman so taken against her

Felony to carry away a Woman against her Will that hath Lands or Goods, or is Heir apparent to her Ancestor.

(1.) If the Force is in one County and the Woman afterwards goes into another, and is there married or defiled, the Case is not within the Act. The Case of R. v. Gordon, for an Offence against this Act, Oxford Spring Assizes, 1801, which excited great public Attention, was stopped on this Ground; Mrs. Lee, the Prosecutrix, having admitted upon Cross-examination, that before she got into the County of Oxford she had thrown away a Camphire Bag, which she regarded as a Charm, and exclaimed *Now welcome Pleasure;* but if the Force at all continued in the same County, the Consent to Marriage or Defilement does not excuse. The Indictment must follow the Statute in alledging that the Woman had in Substance, in Lands or Goods; or was an Heiress, that she was taken against her Will, for Lucre, and married or defiled; but need not alledge that the Taking was with Intent to marry or defile her. It is not material that the Party marrying was not the Author of the original Force, or that the Woman at first consented, if she afterwards refused. The Marriage, though voidable on Account of the Force, is a sufficient Marriage, *de facto*, to bring the Case within the Statute. The Woman, notwithstanding such Marriage, is a competent Witness to prove the Fact. Sir M. Hale observes, that, in Burn's Case, 25 Car. II. most were of Opinion, that if the Female had lived with the Prisoner any considerable Time, and consented to the Marriage, she could not have been admitted as a Witness. This is justly questioned by Sir Wm. Blackstone, 4 Com. 209, and Sir E. East, 1 P. C. 454. upon the Ground, that if she were a competent Witness at the Time of the Marriage, no subsequent Assent can incapacitate her. See the several Points above stated, with the Authorities, 1 East, P. C. Ch. xi. § 1.

(2.) The barely receiving the Offender is not a Case within the Statute; and the Party receiving is only an Accessary at Common Law; 1 Hale, 661 1 Hawk. ch. xlii. § 7, 8. 1 East, ch. xi. § 1.

No. 4. 3 Henry VII. c. 2. By 39 El. c. 9. this Offence is ousted of Clergy.

Will, and knowing the same, be Felony; and that such Misdoers, Takers, and Procurators to the same, and Receitors, knowing the said Offence in Form aforesaid, be henceforth reputed and adjudged as principal Felons. Provided alway, That this Act extend not to any Person taking any Woman, only claiming her as his Ward or Bond-Woman.

No. 5.

25 Henry VIII. c. 6.—The Punishment of the Vice of Buggery.

No. 6.

Henry VIII. c. 10.—A Repeal of the Punishment by Death of Priests married or unmarried, and of Women offending with them by Incontinency, limited by the Statute of 31 H. 8. c. 14. A Priest offending by Incontinency, and convict according to the Laws mentioned in 31 H. 8. c. 14. shall the first Time forfeit to the King all his Goods, Chattels, Debts, and all his Spiritual Promotions, saving one; and being the second Time convict, he shall forfeit all his Goods, Chattels, Debts, and the Issue and Profits of all his Lands, Benefices and Promotions; and being the third Time convict, shall forfeit all his Goods, Debts, Lands, Benefices, &c. and be imprisoned during his Life: And the Woman, if married, she shall be imprisoned during Life; but being unmarried, she shall, the first Time she is convict, forfeit all her Goods, Chattels and Debts; the second Time, the Moiety of the Issues of her Lands during her Life; and the third Time, the whole Issues and Profits of all her Lands, &c. and shall be imprisoned during her Life. [The Stat. 31 H. 8. c. 14. and the Laws of Conviction therein mentioned being repealed by 1 Edw. 6. c. 12. this Statute is obsolete.]

No. 7.

2 and 3 Edward VI. c. 29.—An Offender in Buggery being attainted by Confession, Verdict or Outlawry, shall suffer Death as a Felon, without Loss of Lands, Goods, or Corruption of Blood. Rep. 1. M. sess. 1. c. 1.

No. 8.

4 and 5 Philip and Mary, c. 8.—An Act for the Punishment of such as shall take away Maydens that be Inheritors, being within the Age of sixteen Years, or that marry them without Consent of their Parents.*

No. 8
4 and 5 Philip and Mary, c. 8.

Punishment of such as take away Maidens, &c. within sixteen Years of Age, &c.

'WHERE Maidens and Women Children of Noblemen, 'Gentlemen and others, as well such as be Heirs Apparent to their Ancestors, as others, having left unto them 'by their Father, or other Ancestor and Friends, Lands, Tene'ments and Hereditamenets, or other great Substances in 'Goods and Chattels moveable, for and to the Intent to ad'vance them in Marriage, somewhat like according to their 'Degrees, and as might be most for their Surety and Comfort, 'as well for themselves as of all other their Friends and Kins'folks, be oftentimes unaware to their said Friends or Kins'folks, by Flattery, trifling Gifts and fair Promises, of many 'unthrifty and light Personages, and thereto by the Intreaty of 'Persons of lewd Demeanour, and others that for Rewards buy 'and sell the said Maidens and Children, secretly allured and 'won to contract Matrimony with the said unthrifty and light 'Personages, and thereupon either with Sleight or Force 'oftentimes be taken and conveyed away from their said Pa'rents, Friends or Kinsfolks, to the high Displeasure of Al'mighty God, Disparagement of the said Children, and the 'extream continual Heaviness of all their Friends: Which 'ungodly Dealing, for lack of wholesome Laws to the Redress 'thereof, remaineth a great, familiar and common Mischief in 'this our Commonwealth:'

* The Irish Statute, 6 Anne, c. 16, subjects Persons alluring, &c., and marrying, any Female having Substance, or being Heiress, &c., within the age of eighteen years, to Imprisonment for three Years, and provides that the Offender shall be incapable of taking any Benefit from the Estate, real or personal, of such Female. The Act contains Provisions for the Management of the Estate during the Marriage, and for the allowing the Woman a Maintenance out of the Income in case she survives, and also for the Maintenance of the Children, as shall be appointed by the Lord Chancellor; and directs that, after the Death of the Woman, the Estate shall go to such Person as the same would have done if the Act had not been made. By the same Act, Females persuading the Son of any Person having Lands of the yearly Value of £50, or personal Estate of the Value of £500, or persuading the Son of any Person deceased, to contract Matrimony, without the Consent of Parents or Guardians, in case such Matrimony be had before such Son attain his Age of twenty-one Years, are disabled from demanding Dower, or Jointure, or other Provision, out of the real or personal Estate of such Son, made to or in Trust for her, by any Deed, Will, or other Settlement. Accessaries, Procurers, &c. to be imprisoned three Years. Any Clergyman celebrating the Marriage to be deprived of all his Livings, to be incapable of any spiritual Preferment, and transported in like Manner as foreign Regulars. And by 9 Geo. II. c. 11. Persons of full age, marrying or contracting to marry Persons under the Age of twenty-one, without the Consent of the Father, Guardian, or Lord Chancellor, are to forfeit £500, if the Estate of the Person married is of the Value of £10,000, and £200, if under that Sum, to be recovered by popular Action, and to suffer a Year's Imprisonment. See 2 Gabbett, 913, 916

No. 3.
4 and 5 Philip and Mary, c. 8.

II. For Remedy whereof, be it enacted by the King and Queen's Majesties, the Lords Spiritual and Temporal, and the Commons, of this present Parliament assembled, and by the Authority of the same, That it shall not be lawful to any Person or Persons to take or convey away, or cause to be taken or conveyed away, any Maid or Woman Child unmarried, being under the Age of sixteen Years, out of or from the Possession, Custody or Governance, and against the Will (1.) of the Father (2.) of such Maid or Woman Child, or of such Person or Persons to whom the Father of such Maid or Woman Child, by his last Will and Testament, or by any other Act in his Life-time, hath or shall appoint, assign, bequeath, give or grant the Order, Keeping, Education or Governance of such Maid or Woman Child, except such taking and conveying away as shall be had, made or done, by or for such Person or Persons, as without Fraud or Covin be or then shall be the Master or Mistress of such Maid or Woman Child, or the Guardian in Socage, or Guardian in Chivalry, of or to such Maid or Woman Child.

The Penalty for taking a Maid under xvi. Years of Age.

III. And be it further enacted by the Authority aforesaid, That if any Person or Persons above the Age of xiv. Years shall from and after the first Day of *April* next coming unlawfully take or convey, or cause to be taken or conveyed, any Maid or Woman Child unmarried, being within the Age of xvi. Years, out of or from the Possession and against the Will of the Father or Mother (3.) of such Child, or out of or from the Possession and against the Will of such Person or Persons as then shall happen to have, by any lawful Ways or Means, the Order, Keeping, Education or Governance (4.) of any such Maiden or Woman Child; that then every such Person and Persons so offending, being thereof lawfully attainted or convicted by the Order and due Course of the Laws of this Realm (other than such of whom such Person taken away shall hold any Lands or Tenements by Knight's Service) shall have and suffer Imprisonment of his or their Bodies, by the Space of two whole Years, without Bail or Mainprise, or else shall pay such Fine for his or their said Offence, as shall be assessed by

(1.) If the Father once agreed, though he afterwards dissented, it is said to be an Assent within this Act; Culthorp *v.* Axtel, 3 Mod. 84; but this was not the Point in Judgment.

(2.) The putative Father of a Bastard is within the Act; R. *v.* Bamforth, 2 Str. 1162; R. *v.* Sweeting, 1 East, ch. xi. § 6.

(3.) The Mother retains her Authority notwithstanding her Marriage to a second Husband; and the Assent of such Husband is not material; Ratcliffe's Case, 3 Co. 39. b.

(4.) The Mother placed her Daughter with Lady Gore for safe Custody, who caused her own Son to marry the Girl without her Mother's Consent. Lord C. J. Herbert observed, that the Statute was made to prevent Children from being seduced from their Parents or Guardians by flattering or enticing Words, Promises, or Gifts, and married in a secret Way to their Disparagement; but that no such Thing appeared in this Case; the Marriage being openly solemnized in Church, in a canonical Hour, in the Presence of many Persons; and the Plaintiff, who sued on the Forfeitures of the Act, was nonsuited, Hicks *v.* Gore, 3 Mod. 84. See Observations on this Case, 1 East, P. C. ch. xi. § 7.

the Council of the Queen's Highness, her Heirs or Successors, in the Star-Chamber (5.) at *Westminster*. No. 8. 4 and 5 Philip and Mary, c. 8.

IV. And be it further enacted by the Authority aforesaid, That if any Person or Persons, after the said Day, shall so take away, or cause to be taken away as is aforesaid, and deflower any such Maid or Woman Child as is aforesaid, or shall against the Will, or unknowing of or to the Father of any such Maid or Woman Child, if the Father be in Life, or against the Will or unknowing of the Mother of any such Maid or Woman Child (having the Custody or Governance of such Child, if the Father be dead) by secret Letters, Messages, or otherwise contract Matrimony with any such Maiden or Woman Child, except such Contracts of Matrimony as shall be made by the Consent of such Person or Persons, as by the Title of Wardship shall then have or be intituled to have the Marriage of such Maid or Woman Child; that then every such Person or Persons so offending, being thereof lawfully convicted, as is aforesaid, shall suffer Imprisonment of his or their Bodies, by the Space of five Years, without Bail or Mainprise, or else shall pay such Fine for his or their said Offence, as shall be assessed by the said Council in the said Star-Chamber; the one Moiety of all which Forfeitures and Fines shall be to the King and Queen's Majesties, her Heirs and Successors, the other Moiety to the Parties grieved.

The Penalty for taking away, deflowering or contracting Matrimony with a Woman under xvi years of Age.

V. And be it further enacted by the said Authority, That the King and Queen's Highness honourable Council of the Star-Chamber, by Bill of Complaint or Information, and Justices of Assise by Inquisition or Indictment, shall have Authority by Virtue of this Act to hear and determine the said Offences; upon every which Indictment and Inquisitions, such Process shall be awarded and lie, as upon an Indictment of Trespass at the Common Law.

Who may hear and determine the Offence aforesaid.

VI. And further be it enacted by the Authority aforesaid, That if any Woman Child or Maiden, being above the Age of twelve Years, and under the Age of sixteen Years, do at any Time consent or agree to such Person that so shall make any Contract of Matrimony, contrary to the Form and Effect of this Statute, that then the next of the Kin of the same Woman Child or Maid, to whom the Inheritance should descend, return or come, after the Decease of the same Woman Child and Maid, shall from the Time of such Assent and Agreement have, hold and enjoy all such Lands, Tenements and Hereditaments, as the same Woman Child and Maiden had in Possession, Reversion or Remainder, at the Time of such Consent and Agreement, during the Life of such Person that shall so contract Matrimony: And after the Decease of such Person so contracting Matrimony, that then the said Lands, Tenements and Hereditaments, shall desend, revert, remain, and come to such Person or Persons as they

The Forfeiture of a Woman consenting to an unlawful Contract.

(5.) The King's Bench has Jurisdiction of this Offence; the Statute not containing any negative Words; Moor's Case, 2 Mod. 128.

No. 8. 4 and 5 Philip and Mary, c. 8. should have done in case this Act had never been had ne made, other than to him only that so shall contract Matrimony.

Orders for Orphans. VII. Provided always, and be it enacted, That this Act, nor any Thing therein contained, shall extend to take away or diminish any Liberty, Custom or Authority, touching or concerning any Orphan or Orphans, which now be or hereafter shall be within the City of *London*, or any other City, Borough or Town, where Orphans are commonly used to be provided for, either by Grant or by Custom, but that the Lord Mayor of the said City of *London*, and the Aldermen of the same for the Time being, and all and every other Head Officer or Officers of any other City, Borough or Town, where such Orphans be provided for, shall and may have and take like Rule, Order, Keeping and Charge of such Orphan and Orphans and of all their Lands, Tenements, Goods and Chattels, as heretofore they or any of them lawfully had or used, or lawfully might have had and used, if this Act had not been made.

No. 9.

5 Elizabeth, c. 17.—An Act for the Punishment of the Vice of Buggery.

No. 9. 5 Elizabeth, c. 17. The Statute of 25 H. 8. c. 6. whereby the committing of Buggery with Mankind or Beast is made Felony, revived 1 M. Sess. 1. c. 1.

'WHERE in the Parliament begun at *London* the third 'Day of *November* in the one and twentieth Year of 'the late King of most famous Memory, King *Henry* the 'Eighth, and after by Prorogation holden at *Westminster* in 'the five and twentieth Year of the Reign of the said late 'King, there was one Act and Statute made, intituled, "An 'Act for the Punishment of the Vice of Buggery," whereby the 'said detestable Vice was made Felony, as in the said Statute more at large it doth and may appear: Forasmuch as the 'said Statute concerning the Punishment of the said Crime and 'offence of Buggery standeth at this present repealed and void 'by Virtue of the Statute of Repeal made in the first Year of 'the Reign of the late Queen *Mary*: (1.) Sithence which Repeal so had and made, divers evil disposed Persons have been 'the more bold to commit the said most horrible and detestable 'Vice of Buggery aforesaid, to the high displeasure of Almighty God;'

II. Be it enacted, ordained and established by the Queen our Sovereign Lady, and by the Assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That the said Statute before-mentioned made in the five and twentieth Year of the said late King *Henry* the Eighth, for the Punishment of the said detestable Vice of Buggery, and every Branch,

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(1.) The Act referred to repeals all Statutes rendering any Offence Felony, and all Pains and Forfeitures concerning the same, made since the first Year of Henry VIII. See Class II. No. 21.

Clause, Article, and Sentence therein contained, shall from and after the first day of *June* next coming be revived, and from thenceforth shall stand, remain and be in full Force, Strength and Effect for ever, in such Manner, Form and Condition, as the same Statute was at the Day of the Death of the said late King *Henry* the Eighth; the said Statute of Repeal made in the said first Year of the said late Queen *Mary*, or any Words general or special therein contained, or any other Act or Acts, Thing or Things, to the contrary notwithstanding. 2 and 3 Ed. 6. c. 29. Coke 391.

No. 9. 5 Elizabeth, c. 17.

No. 10.

18 Elizabeth, c. 7. — An Act to take away Clergy from the Offenders in Rape or Burglary, and an Order for the Delivery of Clerks convict without Purgation.

No. 10. 18 Elizabeth, c. 7.

FOR the Repressing of the most wicked and felonious Rapes or Ravishments of Women, Maids, Wives and Damosels, and of felonious Burglaries, and for the Avoiding of sundry Perjuries and other Abuses, in and about the Purgation of Clerks convict delivered to the Ordinaries, Be it enacted and ordained by the Authority of this present Parliament, That if any Person or Persons shall fortune at any Time after the first Day of *June* now next ensuing, to commit or do any Manner of felonious Rape, Ravishment or Burglary, and to be found guilty by Virtue of any such Rape or Burglary, or that any Person or Persons shall fortune to be outlawed for any the Offences aforesaid, or upon his or their Arraignment shall confess any such felonious Rape or Burglary; That in every such Case, every Person and Persons so being found guilty, outlawed or confessing any of the said felonious Rapes or Burglaries, shall suffer Pains of Death, and forfeit as in Cases of Felony hath been used and accustomed by the Common Laws of this Realm, without any Allowance of the Privilege or Benefit of Clergy; any Law, Custom or Usage heretofore had, made or used to the contrary notwithstanding.

None shall have Clergy that committeth Rape or Burglary.

II. And, moreover, Be it further enacted by the Authority aforesaid, That every Person and Persons, which at any Time after the End of this present Session of Parliament shall be admitted and allowed to have the Benefit or Privilege of his or their Clergy, shall not thereupon be delivered to the Ordinary as hath been accustomed, but after such Clergy allowed, and Burning in the Hand, according to the Statute in that Behalf provided, shall forthwith be enlarged and delivered out of Prison by the Justices before whom such Clergy shall be granted, that Cause notwithstanding.

No Man allowed his Clergy shall be committed to the Ordinary, but presently delivered.

III. Provided nevertheless, and be it also enacted by the Authority aforesaid, That the Justices before whom any such Allowance of Clergy shall be had, shall and may for the further Correction of such Persons to whom such Clergy shall be allowed, detain and keep them in Prison for such convenient Time as the same Justices in their Discretions shall think con-

The Justices may retain Offenders in Prison for a Time.

No. 10. 18 Elizabeth, c. 17.

venient, so as the same do not exceed one Year's Imprisonment; any Law or Usage heretofore had or used to the contrary in any wise notwithstanding.

To know a Woman carnally under the Age of ten Years shall be Felony.

IV. And for plain Declaration of Law, Be it enacted, That if any Person shall unlawfully and carnally know and abuse any Woman-Child under the Age of ten Years, every such unlawful and carnal Knowledge shall be Felony, and the Offender thereof being duly convicted shall suffer as a Felon without Allowance of Clergy. (1.)

He that is allowed his Clergy shall answer to other Felonies.

V. Provided always, That all and every Person and Persons, which shall hereafter be admitted to have the Benefit of his or their Clergy, shall notwithstanding his or their Admission to the same, be put to answer to all their Felonies whereof he or they shall be hereafter indicted or appealed, and not being thereof before acquitted, convicted, attainted or pardoned, and shall in such Manner and Form be arraigned, tried, adjudged, and suffer such Execution for the same, as he or they should have done, if, as Clerk or Clerks convict, they had been delivered to the Ordinary, and there had made his or their Purgations; any Thing in this Act contained to the contrary notwithstanding.

(1.) By the Irish Statute, 9 Anne, c. 6* § 2. a carnal Knowledge of a Female under the Age of 12 Years, although with her Consent, is a capital Felony. And by 23 Geo. II. c. 11. (Irish) any School-master of any Charter or Charity School, who shall have carnal Knowledge of any Female above the Age of 12 Years, under his Care; or any School-master or Mistress who shall consent or be privy to any other Person so doing, are to be three Times publicly whipped.

No. 11.

39 Elizabeth, c. 9.—An Act for taking away of Clergy from Offenders against a certain Statute made in the third Year of the Reign of King *Henry* the Seventh, concerning the taking away of Women against their Wills unlawfully.

No. 11. 39 Elizabeth, c. 9.

He that taketh away a Woman against her Will that hath Lands or Goods, or is Heir apparent to her Ancestors, shall lose his Clergy.

3 H. 7. c. 2.

'WHEREAS of late Times divers Women, as well Maidens as Widows and Wives, having Substance, 'some in Goods moveable, and some in Lands and Tenements, and some being Heirs apparent to their Ancestors, 'for the Lucre of such Substance been oftentimes taken by 'Misdoers, contrary to their Will, and afterward married to 'such Misdoers, or to others by their Assent, or defiled, to 'the great Displeasure of God, and contrary to your Highness 'Laws, and Disparagement of the said Women, and great 'Heaviness and Discomfort of their Friends, and ill Example 'of others; which Offences albeit the same be made Felony 'by a certain Act of Parliament made in the third Year of 'King *Henry* the Seventh, yet forasmuch as Clergy hath been 'heretofore allowed to such Offenders, divers Persons have 'attempted and committed the said Offences, in Hope of 'Life by the Benefit of Clergy;' Be it therefore enacted by the Queen's most excellent Majesty, the Lords Spiri-

tual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That all and every such Person and Persons, as at any after the End of this present Session of Parliament shall be convicted or attainted of or for any Offence to be committed after the End of this present Session of Parliament, made Felony by the said Act of the third Year of the Reign of King *Henry* the Seventh, or which shall be indicted and arraigned of or for any such Offence, and stand mute, or make no direct answer, or shall challenge peremptorily above the number of twenty, shall in every such Case lose his and their Benefit of Clergy, and shall suffer Pains of Death without any Benefit of Clergy; any former Law to the contrary notwithstanding.

No. 11. 39 Elizabeth, c. 9.

3 H. 7.

II. Provided always, that this Act, nor any Thing therein contained, shall not extend to take away the Benefit of Clergy, but only from such Person and Persons as hereafter shall be Principals, or Procurers or Accessaries before such Offence committed. (1.)

Principals, Procurers or Accessaries before the Offence.

(1.) See Notes on 3 Hen. VII. supra in this Class.—Q. Whether the Receiving the Woman after the Fact done (which is made a principal Felony by 3 Hen. VII.) is by this Act ousted of Clergy. Semble not. See 1 East, ch. xi. § 2.

The Irish Stat. 9 Anne, c. 16. § 7, makes a similar Provision for the Offence mentioned in this Statute, expressly mentioning whether the Marriage or Defilement be with or without Consent: and by 19 Geo. II. c. 13, (Irish) the taking by Force with Intent to marry or defile, although no Marriage or Defilement takes place, is also a capital Felony. See 2 Gab. 911.

No. 12.

1 James I. c. 11.—An Act to restrain all Persons from Marriage until their former Wives and former Husbands be dead.*

'FORASMUCH as divers evil disposed Persons being 'married, run out of one County into another, or into 'Places where they are not known, and there become to be 'married, having another Husband or Wife living, to the 'great Dishonour of God, and utter Undoing of divers honest 'Mens Children, and others;' Be it therefore enacted by the King's Majesty, with the Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, That if any Person or Persons within his Majesty's Dominions of *England* and *Wales*, being married, or which

No. 12. 1 James 1. c. 11.

Felony to marry a second Husband or Wife, the former being living.

* It is supposed in 1 E. P. ch. 12. § 1, that by the Statute *de Bigamis*, 4 Ed. I. c. 5, the Offence mentioned in this Statute was constituted a capital Felony; and it is observed that the Benefit of Clergy was restored by Stat. 1 Ed. I. c. 12. § 16, (ante Cl. II. No 18.) But this View of the Statutes alluded to is founded on a Mistake; as the Enactment in the first Statute did not relate to Marriage during the Life of a former Husband or Wife as being a substantive Felony; but to the excluding from the Privilege of Clergy Persons convicted of any other Felony, who had been twice married, or who had married a Widow or Widower, which by the latter Statute was abrogated. This appears very distinctly upon the Face of the Statutes themselves.

No. 12. 1 James I. c. 11.

hereafter shall marry, do at any Time after the End of the Session of this present Parliament, marry any Person or Persons, the former Husband or Wife being alive; that then every such Offence shall be Felony, and the Person and Persons so offending shall suffer Death as in Cases of Felony; and the Party and Parties so offending shall receive such and the like Proceeding, Trial and Execution in such County where such Person or Persons shall be apprehended, (1.) as if the Offence had been committed in such County where such Person or Persons shall be taken or apprehended.

To what Persons this Statute shall not extend.

II. Provided always, That this Act, nor any Thing therein contained, shall extend to any Person or Persons whose Husband or Wife shall be continually remaining beyond the Seas by the Space of seven Years together, (2.) or whose Husband or Wife shall absent him or herself the one from the other by the Space of seven Years together, in any Parts within his Majesty's Dominions, (3.) the one of them not knowing the other to be living within that Time.

III. Provided also, and be it enacted by the Authority aforesaid, That this Act, nor any Thing herein contained, shall extend to any Person or Persons that are or shall be at the Time of such Marriage divorced by any Sentence had or hereafter to be had in the Ecclesiastical Court; (4.) or to any Person or Persons where the former Marriage hath been or hereafter shall be by Sentence in the Ecclesiastical Court declared to be void (5.) and of no Effect; nor to any Person or Persons for or by reason of any former Marriage had or made, or hereafter to be had or made within Age of Consent.

No Corruption of Blood, Loss of Dower or Inheritance.

IV. Provided also, That no Attainder for this Offence, made Felony by this Act, shall make or work any Corruption of Blood, Loss of Dower, or Disinherison of Heir or Heirs.

(1.) Kelyng and Hawkins make a Quære, Whether a Person committing Polygamy in Ireland is not by this Provision within the Act. But there is strong Objection to presume, without express Words, that the Act intended to legislate for Offences out of the Kingdom; and the Provision is fully satisfied by applying to the Trial in one County of an Offence committed in another. See 1 East, ch. 12. § 2.

(2.) This Exception is held to apply although the Party have Notice; 1 Hale, 693; 3 Inst. 88. The Exception extends to Ireland; 1 Hale, 693.

(3.) This *in Favorem Vitæ* must be intended England, Wales and Scotland, 1 Hale, 693.

(4.) A Divorce *a Mensa et Thoro* is sufficient; 1 Hawk. ch. 43. sec. 5.; Middleton's Case, Kelyng 27; 1 E. P. C. ch. 12. § 4. In the Case of William Martin Lolly, Lanc. Sept. Ass. 1812, it appeared that the Prisoner and his Wife had been divorced by the Courts of Scotland, at the Suit of the Wife, for the Adultery of the Husband, which Divorce, by the Law of Scotland, is a Dissolution of the Marriage; and the Case being reserved for the Opinion of the Judges, Thomson B. at the Assizes following stated it to be their Opinion—1. That a Marriage lawfully contracted in England, cannot be dissolved in a different Country by any Authority whatever; and 2. That the Proviso relates only to the Sentences of Courts in England. The Question as to the Effect of such Divorce afterwards occurred, Tovey v. Lindsay, in Dom. Proc. 1 Dow. 117, which was remitted to the Court below for Review. Q. Whether it has been since decided?

(5.) The Case is within the Proviso, notwithstanding an Appeal; 1 Hale, 694, 1 Inst. 89; 1 East, ch. 12. § 5 A Sentence in a Case of Jactitation is not conclusive against the Marriage; or if otherwise conclusive, may be shewn to have been obtained by Collusion; Duchess of Kingston's Case, 16 Geo. III.

No. 13.

35 George III. c. 67.--An Act for rendering more effectual an Act, passed in the first Year of the Reign of King *James* the First, intituled, "An Act to restrain all Persons from Marriage until their former Wives and former Husbands be dead."--[19*th*. *May*, 1795.]

No. 13. 35 George III. c. 67.

1 Jac. 1. c. 11.

'WHEREAS the Punishment of Persons convicted of 'Felony, under or by virtue of an Act, made in the 'first Year of the Reign of King *James* the First, intituled, '"An Act to restrain all Persons from Marriage until their 'former Wives and former Husbands be dead," has not proved 'effectual to deter wicked and evil-disposed Persons from being 'guilty of the Offence therein described:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons within his Majesty's Dominions of *England* and *Wales*, being married, or which hereafter shall marry, do, at any Time from and after the passing of this Act, marry any Person or Persons, the former Husband or Wife being alive, and shall be in due Manner convicted thereof under the said Act, shall be subject and liable to the same Penalties, Pains, and Punishments as, by the Laws now in force, Persons are subject and liable to who are convicted of Grand or Petit Larceny.

Persons convicted in England of Bigamy, subject to the Penalties inflicted for Larceny;

II. And be it further enacted, That if any Person or Persons, who shall be ordered to be transported by virtue of this Act, shall be afterwards at large within *Great Britain*, without some lawful Cause, before the Expiration of the Term for which such Person or Persons shall be ordered to be transported, all and every such Person and Persons, being thereof lawfully convicted, shall be guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy.

and returning to Great Britain before the Expiration of the Term for which they are transported, to suffer Death.

III. And be it further enacted, That such Person and Persons so ordered to be transported as aforesaid, and afterwards found at large within *Great Britain*, may be tried for such Offence either in the County where such Person or Persons was or were so convicted and ordered to be transported as aforesaid, or in such County where such Person or Persons shall be apprehended and taken (such County being within *England* or *Wales*); and in such latter Case the Clerk or other Person having the Custody of the Records of the Court by which such Person or Persons was or were ordered to be transported, shall certify a Transcript, briefly containing the Tenor and Effect of the Record of the Indictment, Verdict, and Judgment, against such Person and Persons; which Certificate, being produced to the Court before whom such Person or Persons shall stand on their Trial, shall be deemed and taken to be sufficient Evidence of the Indictment, Verdict, and Judgment contained in such Record.

Offenders returning from Transportation where to be tried, &c.

PART V. CLASS VI.

RIOTS, AND OFFENCES ATTENDED WITH RIOT AND VIOLENCE.

(The Statutes respecting forcible Entry are included in Part VI.)

No. 1.

Edward I. st. 1.—To all Parliaments and Treatises, every Man shall come without Force and Arms.*

No. 1. Edward I st. 1.

EDWARD by the Grace of God, King of *England*, Lord of *Ireland*, and Duke of *Aquitain*, to the Justices of his Bench sendeth Greeting. Whereas of late before certain Persons deputed to treat upon sundry Debates had between us and certain great Men of our Realm, amongst other Things it was accorded, That in our next Parliament, after Provision shall be made by us, and the common Assent of the Prelates, Earls, and Barons, that in all Parliaments, Treatises, and other Assemblies, which should be made in the Realm of *England* for ever, that every Man shall come without all Force and Armour, well and peace-

Cotton *MS. Claudius*, D. 2.

EDWARD par la grace de Dieu Roi Dengleterre Seignur Dirland et Duc Daquit' A ses Justices du Baunk saluz.

Come nadgairs devant certeins persons deputez a treter sur ascuns debates cuz entre nous et ascuns des grauntz de nostre roialme entre autres choses fuist accorde qen nostre proschein parlement apres purveiaunces fait per nous et le comune Assentement des Prelates Countes Barouns qen toutes Parlementz tretementz et autres assemblez qe se ferront en le roialme Dengleterre a touz jours qe homme viegne saunz tote force et sanz armes bien et peisiblement al Honour de nous et de la pees de nous et de nostre roialme et ja en nostre proschein Parle-

* This is taken from the *Secunda Pars Veterum Statutorum*, and is in all the English Editions.

Cotton *MS. Claudius*, D. 2.

ment a Westmonstre apres le dit tretis les Prelates Countes et Barouns et le comunalte de nostre roialme illoeqes assembles en avisement sur ceste busoigne nous eient dit qe a nous appent et devons per nostre roiale Seignurie defendre fortement des armes et toute autre force countre nostre pees a toutes le foitz qe nous plerra et punir ceux qi countre vieudrent selonc les leies et les usages de nostre roialme.

Et qe a ceo sount ils de nous eider come lour bone Seignur toutes le foitz qe mester serra Vous maundons qe cestes choses facez lire devant vous en dit Baunk et illoeqes enrouller. Don' a Westm' le xxx. jour Doctobr' lan de nostre Regne septisme.

" ably to the Honour of us, " and the Peace of us and our " Realm. And now in our " next Parliament at *Westminster*, after the said Treatise, the Prelates, Earls, " Barons, and the Commonalty of our Realm, there assembled to take Advice of " this Business, have said, " that to us it belongeth, and " our Part is, through our " Royal Seignory, straitly to " defend Force of Armour, " and all other Force against " our Peace, at all Times " when it shall please us, and " to punish them which shall " do contrary, according to " our Laws and Usages of our " Realm, and hereunto they " are bound to aid us as their " Sovereign Lord at all Seasons, when Need shall be." ' We command you, that ye ' cause these Things to be read ' afore you in the said Bench, ' and there to be enrolled. ' Given at *Westminster*, the ' thirtieth Day of *October*, in ' the seventh Year of our ' Reign.'

No. 1. 7 Edward I. st. 1.

No. 2.

2 Edward III. c. 3.—No Man shall come before the Justices or go or ride armed.

Ex Rot. in Turr. Lond.

ENSEMENT accorde est & establi qe nul grant ne petit de quele condition qil soit sauve les Serjeantz le Roi en la presence le Roi & les Ministres le Roi enfesantz execution des mandementz le Roi ou de lour office & ceux qi sont en lour compaignies eidantz as ditz ministres & auxint autri de fait darmes de pees

' ITEM it is enacted, That ' no Man great nor small, ' of what Condition soever he ' be, except the King's Servants in his Presence, and ' his Ministers in executing of ' the King's Precepts, or of ' their Office, and such as be ' in their Company assisting ' them, and also *upon a Cry ' made for Arms to keep the

No. 2 Edward III. c. 3.

* Those of Feats of Arms of Peace.

No. 2. Edward III. c. 3.

'Peace, and the same in such 'Places where such Acts happen, be so hardy to come before the King's Justices, or 'other of the King's Ministers 'doing their Office with Force 'and Arms, nor bring no 'Force in affray of the Peace, 'nor to go nor ride armed by 'Night nor by Day in Fairs, 'Markets, nor in the Presence 'of the Justices or other Ministers, nor in no Part elsewhere, upon Pain to forfeit 'their Armour to the King, 'and their Bodies to Prison at 'the King's Pleasure. And 'that the King's Justices in 'their Presence, Sheriffs, and 'other Ministers in their Bailiwicks, Lords of Franchises, 'and their Bailiffs in the same, 'and Mayors and Bailiffs of 'Cities and Boroughs, within 'the same Cities and Boroughs, and Borough-holders, 'Constables, and Wardens of 'the Peace within their Wards, 'shall have Power to execute 'this Act. And that the Justices assigned, at their 'coming down into the Country, shall have Power to enquire how such Officers and 'Lords have exercised their 'Offices in this Case, and to 'punish them whom they find 'that have not done that which 'pertained to their Office.'

Ex Rot. in Turr. Lond.

& ce en lieux ou tielx faitz se ferront soit si hardi de venir devant les Justices le Roi ou autres Ministres le Roi enfesant lour office a force & armes ne force mesner en affrai de la pees ne de chivaucher ne daler arme ne de nuit ne de jour en faires marchees nen presence des Justices ne dautres Ministres ne nule part aillours sur peins de perdre lour armures au Roi & de lour corps a la prisone a la volunte le Roi. Et qe justices le Roi en lour presences viscountes & autres Ministres le Roi en lour bailles & seignours des fraunchises et lour baillifs en yceles et Meire et Bailifs des Citees et Burgs deinz meismes les Citees & Burghs Burghaldres conestables & gardeins de la pees deinz lour gardes eient poair affaire execution de cest acorde. Et qe les Justices assignez a lour venu en pais eient poair denquere coment tielx Ministres et seignurs ont use lour office en ce et de punir ceux qils troveront qi nount mie fait ce qe a lour office appent.

No. 3.

7 Richard II. c. 13.—No Man shall ride in Harness within the Realm, nor with Launcegays.

No. 3. Richard II. c. 13.

'ITEM it is ordained and assented, and also the King 'doth prohibit, That from 'henceforth no man shall ride 'in Harness within the Realm,

ITEM est ordeignez & assentuz & le Roi defende qe desoremes null homme chivache deinz le Roialme armez encontre la forme de lestatut

Ex Rot. in Turr. Lond.

de Norhampton sur ce fait ne ovesqe lancegay deinz mesme le Roialme les queux lancegays soient de tout oustez deinz le dit Roialme come chose defendue par nostre Seignur le Roi sur peine de forfaiture dicelx lancegays armures & autres herneys quelconqes es mayns & possession de celluy qi les portera desore deinz mesme le Roialme contre cestz estatutz & ordinances sanz especiale congie de Roi nostre Seignur.

'contrary to the Form of 'the Statute of *Northampton* 'thereupon made, neither with 'Launcegay within the Realm, 'the which Launcegays be 'clearly put out within the 'said Realm, as a Thing pro-'hibited by our Lord the 'King, upon Pain of Forfeit-'ure of the said Launcegays, 'Armours, and other Harness, 'in whose Hands or Posses-'sion they be found that bear 'them within the Realm, con-'trary to the Statutes and Ordi-'nances aforesaid, without the 'King's special Licence.'

No. 3. 7 Richard II. c. 13.

No. 4.

17 Richard II. c. 8.—The Sheriffs, and all other the King's Officers, shall suppress Rioters, and imprison them, and all other offending against the Peace.

ITEM coment qa parlement tenuz a Westm' lan du regne nostre Seignur le Roi quore est quint pur ceo qe vileins & autres meffesours tard devaunt leverent par assemblees & outrageouse nombre en diverses parties de Roialme encontre la dignitee nostre Seignur le Roi & sa corone & les leies de sa terre defendu fuist par nostre Seignur le Roi estroitement a touz maners des gentz qe nul delors ferroit ou recommenceroit tielx riot ou rumour nautres semblables & si nully le ferroit & ceo prove duement serroit fait de luy come de traitour au Roi & son Roialme Nientmeins grevouse pleint fuist fait a nostre dit Seignur le Roi en cest present parlement qe diverses gentz nient eiantz consideration a dit defense sibien en les countees de Cestre Lancastre & aillours

"ITEM, Whereas at the "Parliament holden at "*Westminster*, the fifth Year "of the Reign of our Sove-"reign Lord the King that "now is; forasmuch as Vil-"laines and other Offenders "of late have risen by As-"semblies and outrageous "number in divers Parties of "the Realm, against the "King's Dignity and his "Crown, and the Laws of "his Land; it was straintly "defended by the King to all "Manner of People, That "none from henceforth should "make, or begin again such "Riot or Rumour, nor other "like; and if any Man did, "and that duly proved, he "should be taken as a Traytor "to the King and his Realm. "Nevertheless a grievous "Complaint was made to our "Sovereign Lord the King in

No. 4. 17 Richard II. c. 8.

Ex Rot. in Turr. Lond.

No. 4. 17 Richard II. c. 8.

"this present Parliament, That "diverse People not having "Consideration to the said "Defence, as well in the "Counties of *Chester*, *Lancaster*, and elsewhere in *England*, have made such Assemblies in outrageous Manner, to accomplish their Malice against the King's Peace, "his Crown, his Dignity and "the Laws of his Land:" 'Wherefore our Sovereign 'Lord the King in this present 'Parliament hath defended to 'all the liege People, as well 'Lords as other, of whatsoever Estate that they be, 'that none shall make such 'Assemblies, Riot, or Rumour 'against the Peace in no wise; 'and if any such Assembly be 'begun, as soon as the Sheriffs 'and other the King's Ministers may thereof have Knowledge, they with the Strength 'of the County and Country, 'where such Case shall happen, shall set Disturbance 'against such Malice with all 'their Power, and shall take 'such Offenders, and them put 'in Prison, till due Execution 'of the Law be of them made, 'and that all Lords and other 'liege People of the Realm, 'shall be attending and aiding 'with all their Strength and 'Power to the Sheriffs and 'Ministers aforesaid.'

en Engleterre ont faitz tielx assemblees en outrageouse nombre pur accomplir lour malice en contra la pees nostre Seignur le Roi sa corone & sa dignite & les leies de sa terre par quoi nostre Seignur le Roi en cest present parlement ad defendu a touz ses lieges sibien Seignurs come autres de quecunqe estat qils soient qe null face tielx assemblees riot ou rumour encontre la pees en null manere & si ascun tiel assemble soit commenceat a pluis tost qe viscontz & autres ministres le Roi poent ent avoir conissance ove la force du countee & pais ou tiel cas aviegne mettent destourbance encontre tiel malice ove tout lour poair & preignent tielx meffesours & les mettent en prisone tanqe due execution de leie soit fait de eux & qe touz Seignurs & autres liges du Roialme soient entendantz & aidantz de tout lour force & poair as viscontz & ministres avauntditz en tiel cas.

No. 5.

20 Richard II. c. 1.—No Man shall ride or go armed. Launcegays shall be put out.

No. 5. 20 Richard II. c. 1.

"FIRST, Whereas in a "Statute made the "seventh Year of the Reign "of the King that now is, it

PRIMEREMENT come en un estatut fait lan septisme du regne nostre Seignur le Roy soit ordeignez & assentuz

Ex Rot. in Turr. Lond.

qe nulle homme chivache deins le Roialme armez contre la fourme de lestatut de Northampton sur ce fait ne ovesqe lancegaye deins mesme le Roialme et qe les ditz lancegayes soient de tout oustez deins le dit Roialme come chose defendue par le Roy sur peyne de forfaiture dicelles lancegayes armures & autres hernoys quelconqes es mayns & possession dycelx qi les portera delors deinz mesme le Roialme encontre ycelles estatutz et ordenances sanz especiale congie du Roy. Nostre Seignur le Roy considerant le grant clamour a luy fait en cest present parlement de ce qe le dit estatut nest mye tenuz Si ad ordeignez & establiz en mesme le parlement qe lez ditz estatutz soient pleinement tenuz & gardez & duement executz et qe les ditz lancegayes soient tout overtement oustez sur la peine contenue en le dit estatut de Northampton & outre de faire fyn & ranceoun au Roy. Et outre ce qe null Seignur chivaler nautre petit ne grant aile ne chivache par noet ne jour armez ne porte palet ne chapell de ferre nautre armure sur la peine susdite Sauvez & exceptz les officers & ministres du Roy en faisantz leur offices. Et outre ce le Roy voet & ad ordeignez qe lestatut fait lan de son regne primere de liveree des chaperons soit tenuz & gardez sur la peine contenue en mesme lestatut & sur peine destre emprisonez & de fair fyn & ranceon au Roy.

"is ordained and assented, "That no Man shall ride "armed within the Realm, "against the Form of the Sta- "tute of *Northampton* there- "upon made, nor with "Launcegays within the same "Realm; and that the said "Launcegays shall be utterly "put out within the said "Realm, as a Thing prohibit- "ed by the King, upon pain "of Forfeiture of the same "Launcegays, Armours, or any "other Harness, in the Hands "and Possession of them "that bear them from hence- "forth within the same Realm "against the same Statutes "and Ordinances, without "the King's special Licence:" 'Our Lord the King, consider- 'ing the great Clamour made 'to him in this present Par- 'liament, because that the 'said Statute is not holden, 'hath ordained and established 'in the said Parliament, That 'the said Statutes shall be fully 'holden and kept, and duly 'executed, and that the said 'Launcegays shall be clear 'put out upon the Pain con- 'tained in the said Statute of '*Northampton*, and also to 'make Fine and Ransom to 'the King. And moreover, 'That no Lord, Knight, 'nor other, little nor great, 'shall go nor ride by Night 'nor by Day armed, nor bear 'Sallet nor Skull of Iron, nor of 'other Armour, upon the Pain 'aforesaid, save and except 'the King's Officers and Mi- 'nisters in doing their Office. 'And moreover, the King will 'and hath ordained, That the 'Statute made the first Year of 'his Reign, of Liveries of 'Hats, shall be holden and

No. 5. 20 Richard II

The Statute of 1 R. 2. c. 7. touching giving of Liveries confirmed.

Ex Rot. in Turr. Lond.

No. 5.
13 Richard II. c. 1.

'kept upon the Pain contained 'in the same Statute, and 'upon pain to be imprisoned, 'and make Fine and Ransom 'to the King.'

No. 6.

5 Henry IV. c. 5.—It shall be Felony to cut out the Tongue, or pull out the Eyes of the King's liege People.

No. 6.
5 Henry IV. c. 5.

"ITEM, Because that many "Offenders do daily beat, "wound, imprison, and maim "divers of the King's liege "People, and after purposely "cut their Tongues, or put "out their Eyes;" 'it is ordained and stablished, That in such Case the Offenders that so cut Tongues, or put out the Eyes of any the King's liege People, and that duly 'proved and found, that such 'Deed was done of Malice 'prepensed, they shall incur 'the Pain of Felony.'

ITEM porce qe pleuseurs malfaisours de jour en autre batent naufrent emprisonent et maheyment pluseurs des liges nostre Seignur le Roy et puis de purpos coupent lour langes ou oustent lour oils ordeignez est et establez qen tiel cas les malfaisours qensi couperont les langes ou ousteront les oils daucuns des liges nostre dit Seignur le Roi et ceo duement trovez et provez qe tiel fait fuist fait de malice purpense encourgent la peine de felonie.

No. 7.

13 Henry IV. c. 7.—The Justices of Peace and the Sheriffs shall arrest those which commit any Riot, &c. inquire of them, and record their Offences.

No. 7.
13 Henry IV. c. 7.

'ITEM, it is ordained and 'established, That if any 'Riot, Assembly, or Rout of 'People against the Law, be 'made in Parties of the Realm, 'that the Justices of Peace, 'three, or two of them at the 'least, and the Sheriff or Un'der-Sheriff of the County 'where such Riot, Assembly, 'or Rout shall be made here'after, shall come with the 'Power of the County (if need

ITEM ordeignez est et establiz qe si aucun riot assemblee ou rout des gentz encontre la loie se face en aucune partie de Roialme qe les Justices de paix trois ou deux de eux a meyns et le viscont ou south viscont du counte ou tiel riote assemble ou rout se ferra enapres veignent ove le poair de counte si bosoigne serra pur eux arrester et eux arrestent et aient mesmes les Justices et

Ex Rot. in Turr. Lond.

viscont ou south viscont poair de recorder ceo qils troevent ensi fait en leur presence encontre la ley et qe par le record de mesmes les Justices et viscont ou south-viscont soient tielx trespassours & meffaisours convictz en manere & fourme come il est contenuz en lestatut de forcibles entrees. Et sil adviegne qe tielx trespassours & meffaisours soient departiz devaunt la venue des ditz Justices & viscont ou south-viscont qe mesmes les Justices trois ou deux de eux enquergent diligealment deinz un moys apres tiel riote assemble ou route des gentz ensy faitz & ent oient & terminent solonc la loye de la terre.

'be) to arrest them, and shall 'arrest them; and the same 'Justices and Sheriff, or Un-'der-Sheriff, shall have Power 'to record that which they 'shall find so done in their 'Presence against the Law; 'and that by the Record of the 'same Justices and Sheriff, or 'Under-Sheriff, such Trespas'sers and Offenders shall be 'convict in the same Manner 'and Form as is contained in 'the Statute of Forcible En'tries. And if it happen that 'such Trespassers and Offen'ders be departed before the 'coming of the said Justices 'and Sheriff, or Under-Sheriff, 'that the same Justices, three, 'or two of them, shall dili'gently inquire within a Month 'after such Riot, Assembly, or 'Rout of People so made, and 'thereof shall hear and deter'mine, according to the Law 'of the Land.

No. 7. 13 Henry IV. c. 7.

Inquiry of the Offenders.

Et si la veritee ne poet estre trove en maner come dessuis est dit adonqes deinz un moys lors proschein ensuiant certifient les ditz Justices trois ou deux de eux & le viscont ou south-viscont suisditz devaunt le Roy & son counseil tout le fait & les circumstances dicell quell certificat soit dautiel force come le presentement de xij. sur quel certificat soient les ditz trespassours & meffaisours mys a responce & ceux qi serront trovez coupables soient puniz solonc la discretion du Roy & de son dit consail.

'II. And if the Truth 'cannot be found in the Man'ner as is aforesaid, then with'in a Month then next follow'ing the Justices, three, or two 'of them, and the Sheriff or 'Under-Sheriff, shall certify 'before the King and his 'Council all the Deed and 'Circumstances thereof, which 'Certificate shall be of like 'Force as the Presentment of 'twelve; upon which Certi'tificate the said Trespassers 'and Offenders shall be put to 'answer, and they which shall 'be found guilty, shall be pu'nished according to the Dis'cretion of the King and his 'Council.

Certificate of a Riot, and the Punishment of Offenders.

Et si tielx trespassours & meffaisours traversent la matire ensy certifie soient celles certificat & travers mandez en

'III. And if such Tres'passers and Offenders do tra'verse the Matter so certified, the same Certificate and Tra-

A Traverse of a Riot triable in the King's Bench.

Ex Rot. in Turr. Lond.

No. 7.
13 Henry IV. c. 7.

'verse shall be sent into the 'King's Bench, there to be 'tried and determined as the 'Law requireth. And if the 'same Trespassers * do not 'appear before the King and 'his Council, or in the King's 'Bench, at the first Precept, 'then shall be another Pre'cept directed to the Sheriff 'of the County, to take the 'said Trespassers and Offend'ers, if they may be found, 'and to bring them at a certain 'Day before the King and his 'Council, or into the King's 'Bench. And if they cannot 'be found, That the Sheriff or 'Under-Sheriff shall make Pro'clamation in his full County 'next ensuing the Delivery of 'the second Precept, that they shall appear before the King and his said Council, 'or in the King's Bench, or in the Chancery in the Time of Vacation, within three Weeks then next fol'lowing. And in case the 'same ‡ Offenders come not as 'afore is said, and the Procla'mation made and returned, 'they shall be convict and 'attainted of the Riot, Assem'bly, or Rout aforesaid, not'withstanding any Article or 'Ordinance made to the con'trary.

* Add *or Offenders*

Conviction of Offenders for Default of Appearance.

‡ Id.

banc le Roy pur y estre triez & terminez come la ley demande et si mesmes les trespassours & meffaisours ne viegnent my devaunt le Roy & son counsail ou en Bank le Roy a primer mandement adonqes soit fait autre mandement directa viscount de countee de prendre les ditz trespassours & meffaisours sils purront estre trovez & eux amesner a certein jour devaunt le Roy & son dit counsail ou en bank le Roy. Et sils ne purront estre trovez qe le viscont ou south-viscont face proclamation en pleine countee proschein ensuiant la liveree du seconde mandement qils viegnent devaunt le Roy & son dit counsail ou en bank le Roy ou en la chauncellarie en temps de vacation deinz trois semaignes lors proscheins ensuiantz. Et en cas qe mesmes les trespassours & meffaisours ne viegnent mye come devaunt est dit & la proclamation faite & retourne soient ils convictz & atteintz de les riote assemble ou route dessuisditz non obstant aucun estatut ou ordinance fait a contraire.

The Penalty of the next Justices omitting their Office.

'IV. And moreover, That 'the Justices of Peace dwel'ling nighest in every County 'where such Riot, Assembly, 'or Rout of People shall be 'made hereafter, together with 'the Sheriff or Under-Sheriff 'of the same County, and also 'the Justices of Assises for the 'Time that they shall be there 'in their Session, in case that 'any such Riot, Assembly, or 'Rout be made in their Pre'sence, shall do Execution of

Et en outre qe les justices de la paix demurrantz les pluis proscheins en chescun counte ou tiel riote assemble ou route des gentz se ferra en apres ensemblement ove le viscont ou south-viscont de mesme le counte & auxi les Justices dassizes pur le temps qils serront illoeqes en lour sessions en cas qe aucun tiel riote assemble ou route se ferra en lour presence facent execution de cest estatut chescun sur peine de C li.

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a paiers au Roy a tant des foitz qils serront trovez en defaut del execution de mesme lestatut.

'this Statute, every one upon 'pain of an hundred Pounds, 'to be paid to the King as often as they shall be found in 'Default of the Execution of 'the same Statute.'

No. 7. 13 Henry IV. c. 7.

No. 8.

2 Henry V. st. 1. c. 8.---Commissions shall be awarded to inquire of a Riot, and of the Justice's Default therein.

ITEM come contenu soit en lestatut fait lan treszisme del tresnoble Roy *Henry* piere a nostre Seignur le Roy qore est entre autres qe si ascun riote assemblee ou route des gentz encontre la leye se feroit en ascun partie de Roialme adonqes les justices du pees trois ou deux de eux au meyns & le viscont ou soutz-viscont de counte ou tiele riote assemble ou route se ferroit enapres vien lrent ove le poair du dit counte si bosoigne serroit pur eux arester & eux arestrent & eussent mesmes les justices viscount ou south-viscount poair de recorder ceo qils troverent ensi fait en lour presence encountre la leie et qe par le record de mesmes les justices viscount ou south-viscount serroient tielx trespassours ou malfesours convicts en manere & fourme come est contenu en lestatut de forcibles entrees. Et sil aviendroit qe tielx trespassours & malfesours fuissent departiez devaunt le venue des ditz justices & viscont ou south-viscont qe mesmes les justices trois ou deux d eux enquergerent diligealment deins un moys apres tiel riote assemble ou route des gentz ensi faitz & entoierent & terminerent solonc la leye de la

"ITEM, Whereas it is contained in the Statute made "the thirteenth Year of the "noble King *Henry*, Father to "our Lord the King that now "is, amongst other Things, "That if any Riot, Assembly, "or Rout of People against "the Law be made in any "Part of the Realm, then the "Justices of the Peace, three "or two of them at the least, "and the Sheriff or Under-"Sheriff of the County where "such Riot, Assembly, or "Rout shall be made hereafter, "should come with the Power "of the said County, if need "were, to arrest them, and "them should arrest; and the "same Justices, Sheriff, or "Under-Sheriff, should have "Power to record that which "they found so done in their "Presence against the Law; "and that by Record of the "same Justices, Sheriff or Un-"der-Sheriff, such Trespassers "or Offenders should be con-"vict in Manner and Form as "is contained in the Statute of forcible Entries. And if it "happen that such Trespassers "or Offenders were departed "before the coming of the "Justices, Sheriff, or Under-"Sheriff, that the same Jus-"tices, three or two of them

No. 8. 2 Henry V. st. 1. c. 8.

A Rehearsal of the Statute of 13 H. 4. c. provided against those that commit any Riot, Rout, or unlawful Assembly.

No. 8.
2 Henry V. st. 1. c. 8.

"should diligently inquire "within a Month after such "Riot, Assembly, or Rout of "People so made, and the "same hear and determine "according to the Law of the "Land; and if the Truth "could not be found in man-"ner as afore is said, * with-"in a Month then next en-"suing, the said Justices, "three or two of them, and "the Sheriff or Under-Sheriff, "should certify before the "King and his Council all the "Deed and Circumstance of "the same; which Certificate "shall be of like Force as the "Presentment of twelve Men, "upon which Certificate the "said Tresspassers and Of-"fenders shall be put to an-"swer, and they which be "found guilty, should be pun-"ished according to the Dis-"cretion of the King and his "Council. And moreover, "that the Justices of Peace "dwelling nearest in every "County where such Rout, "Assembly, and Riot of Peo-"ple should be made hereaf-"ter, together with the Sheriff "or Under-Sheriff of the same "Counties, and also the "Justices of Assises for the "Time that they shall be in "their Sessions, in case that "any such Riot, Assembly, or "Rout be made in their Pre-"sence, shall make Execution "of this Statute, every one of "them upon pain of an C. li. to "be paid to the King as often "as they shall be found in De-"fault of Execution of the same "statute. And forasmuch as "many Riots, Routs, and As-"semblies have been made in "divers Parts of the Realm, "since the making and Pro-

* Add *then*.

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terre et si la verite ne purroit estre trove en maner come devant est dit adonq deins un moys lors proschein ensuant certificerent les ditz justices trois ou deux de eux & le viscount ou south-viscount suisditz devant le Roy & son conseil tout le fait & les circumstances dicell quell certificat soit de autiel force come la presentement de xij. Sur quel certificat soient les ditz trespassours & malfesours mys a respons & ceux qi sont trovez coupables soient puniz solonc la discretion du Roy & de son dit conseil. Et outre ceo qe les justices de la pees demorantz le pluis proschein en chescun countee ou tiel route assemble ou riote de gentz se ferroit en apres ensemblement ovesqe le viscont ou south-viscount de mesme les countees & auxi les justices dassises pur le temps qils serront en lour sessions en cas qe ascun tiel riote assemble ou route se ferroit en lour presence ferroient execution de cest estatut chescun sur peine de C. li. appaierez au Roy atantz de foitz qils serroient trovez en defaute del execution de mesme estatut. Et pur tant qe pleuseurs riotes routes & assemblees ont este faitz en diverses parties du Roialme puis la confection & proclamation du dit estatut a cause qe mesme lestatut nad mye este mys en due execution come nostre tressoverain Seignur le Roy lad concieu par diverses & hidouses compleintz a luy faitz en ceste present parlement Mesme nostre Seignur le Roy voillant sur ceo faire pluis greindre remedie del advys & assent avantditz & al priere des ditz Commu-

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nes ad ordeigne & establie qe si defaute soit trovee en les ditz deux justices de la pees ou justices dassises & le viscount ou soutz-viscount del countee ou tiel riote assemble ou route se ferra touchant lexecution qils doient faire par vertue del dit estatut & dont mesme lestatut fait mention qadonqes al instance de la partie grevee issera commission le Roy desouz son graunt seal denquerer sibien de la veritee del cas & de la matier originale pur la partie compleignante come de le defaute ou defautes des ditz justices viscount ou soutz viscount celle partie supposez a addresser as sufficeantz persones indifferentz a la nomination et advis du Chaunceler dEngleterre et qe les ditz commissioners meintenant envoient en la Chauncellarie les enquestes et matiers devant eux celle partie prisez et trovez. Et outre ceo qe les coroners de mesme le countee pur le temps esteantz ou tiel riote assemble ou route se ferra ferront les panelles sur la dite commission retournables pur le temps qe le viscount issint en defaute supposee estoise en son office les quelles coroners retourneront nulles persones mes tielx qe ont terres tenementz ou rent a le value de x. li. par an a meyns. Et auxi qe mesmes le coroners retourneront sur chescun des dites persones a empanellerz a le primer jour qant issuez sont a perdrez xx. s. au meyns et a seconde jour xl. s. a meyns et a tierce jour C. s. a meyns et a chescun jour apres le double au meyns les queux issues issint retournez par cause de non

No. 8. 2 Henry V. st. 1. c. 8.

" clamation of the same Statute, because that the same " Statute hath not been put in " due Execution, as our Sove-" reign Lord the King hath " perceived by divers and " grievous Complaints to him " made in this present Parlia-" ment;" 'the same our Lord 'the King, willing hereof to 'provide a better Remedy, 'by the Advice and Assent 'aforesaid, and at the Suit of 'the said Commons, hath or-'dained and stablished, That 'if Default be found in the said 'two Justices of the Peace, or 'Justices of Assises, and the 'Sheriff or Under-Sheriff of 'the County, where such 'Riot, Assembly, or Rout shall 'be made, touching the Exe-'cution that they ought to 'make by vertue of the said 'Statute, and whereof the said 'Statute maketh mention, that 'then at the Instance of the 'Party grieved, the King's 'Commission shall go out un-'der his Great Seal, to inquire 'as well of the Truth of the 'Case, and of the original 'Matter for the Party Com-'plainant, as of the Default or 'Defaults of the said Justices, 'Sheriff, or Under-Sheriff, in 'this Behalf, supposed to be 'directed to sufficient and in-'different Persons, at the No-'mination and by the Direc-'tion of the Chancellor of the 'Realm of *England;* and that 'the said Commissioners pre-'sently shall return into Chan-'cery the Inquests and Matters 'before them in this Behalf 'taken and found; and more-'over, that the Coroners of the 'same County for the Time 'being, in which County such 'Riot, Assembly, or Rout shall

Commissions shall be awarded to inquire of the Riot, and of the Justices' and Sheriff.' Defaults.

The Coroners shall return the Inquest, and of what Sufficiency the Jurors shall be.

No. 8.
2 Henry V. st. 1. c. 8.

What Issues the Coroners shall return upon the Jurors, and upon what Penalty.

Where the Sheriff and not the Coroners shall return the Jury.

'be made, shall make the Panel upon the said Commission returnable for the Time that the Sheriff so supposed in Default shall continue in his Office, which Coroners shall return no Persons, but only such which have Lands, Tenements, or Rents to the value of xl. by Year at least; and also that the same Coroners shall return upon every of the said Persons empanelled at the first Day when Issues be to be lost, xx s. at the least, and at the second Day xl s. at the least, and at the third Day C s. at the least, and at every Day after the Double at the least; which Issues so returned by Cause of Non-appearance of such Persons empanelled, shall be adjudged as forfeit to the King, and leviable to his Use; and if Default be found in the said Coroners, touching the Return of such Persons to be empanelled, or touching the Return of such Issues, as afore is said, that every of them shall forfeit to the King's Use forty Pounds; and if it happen that the said Sheriff so reputed in Default, be discharged of his Office at the Time that such Commission shall be awarded out of the Chancery, that then the new Sheriff of the same County, his Successor mediate or immediate for the Time being, and not the Coroners of the same County, shall make the Panel upon this Commission returnable in Manner and Form, as the said Coroners should do in the Time when the Sheriff so reputed in Default continued in his Office; and that the same new Sheriff shall incur

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apparance de tielx empanellez serront ajuggez come forfaitz au Roy et a son oeps levables. Et si defaute soit trove en les ditz coroners touchant le retourne de tielx gentz a empanellerz ou touchant le retourne dautielx issues come avant est dit qe chescun de eux perdra al oeps le Roy xl. li. Et sil aveigne qe le dit viscount ensi rette en defaute soit descharge de son office a temps qe tiel commission issera hors de la Chauncellerie qadonqes le novell viscount de mesme le counte son successour immediat ou mediat pur le temps esteant et nient les coroners de mesme le countee ferra le panell sur celle commission retournable en les maner et fourme come les ditz coroners ferront en temps qant le viscount issint rette en defaute esteit en son office. Et qe mesme le novell viscount encourgera auticle peine de xl. li. envers le Roi si ascun defaute en luy soit trovee touchant le retourn dautres persones par luy a empanellerz qi nont terres tenementz ou rent a le value de x. l. par an ou de retourne dautielx issues come les ditz coroners sont suischargiez de retournir sicome les ditz coroners sont a perdre envers le Roy cest partie. Et qe le Chaunceller dEngleterre pur le temps esteant si tost come il purra avoir conusance dautiel route assemble ou riote il face envoier brief le Roy as justices de la pees et a viscont ou soutzviscont del countee ou ils sont issint faitz qils mettent lestatut ent fait en execution sur la peine contenue en ycelly. Et coment qe tiel brief ne veigne paye as ditz justices et viscont

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ou soutz-viscont eux ne serront pas excusez de la peine avantdite sils ne facent mye execution del estatut suisdit.

'like Pain of Forty Pounds to 'the King, if any Default in 'him be found touching the 'Return of other Persons by 'him empanelled, which have 'not Lands, Tenements, or 'Rents to the Value of ten 'Pounds by Year, or of re-'turning such Issues which the 'said Coroners be above charg-'ed to return, as the said Co-'roners are to lose to the King 'in this Behalf. And that the 'Chancellor of *England* for 'the Time being, as soon as he 'may have Knowledge of such 'Riot, Assembly, or Rout, 'shall cause to be sent the 'King's Writ to the Justices of 'the Peace, and to the Sheriff 'or Under-Sheriff of the Coun-'ty where they be so made, 'that they shall put the Statute 'in Execution upon the Pain 'contained in the same; and 'though that such Writ come 'not to the said Justices, She-'riff, or Under-Sheriff, they 'shall not be excused of the 'Pain aforesaid, if they make 'not Execution of the said 'Statute.

No. 8. 2 Henry V. st. 1. c. 8.

A Writ directed out of the Chancery to inquire of Riots.

Purvu qe les justices et autres officers suisditz ferront lour offices suisditz as costages du Roy en allant demorant et retournant en fesantz lour dites offices per paiement ent affaire par le viscount de mesme le countee pur le temps esteant par endentures entre le dit viscont et les ditz justices et autres officers suisditz afaires de la paiement suisdit dont le dit viscont sur son accompte en lescheqer purra avoir due allouance. Et qe tielx riotours atteintz de grauntz et haynoses riotes eient emprisonement dun an entier a meyns sanz

'II. Provided always, That 'the said Justices, and other 'Officers aforesaid, shall ex-'ecute their Offices afore-'said at the King's Costs, in 'going and continuing and re-'turning in doing their said 'Offices, by Payment thereof 'to be made by the Sheriff of 'the same County for the Time 'being, by Indentures betwixt 'the Sheriff and the said Jus-'tices, and other Officers afore-'said, to be made of the Pay-'ment aforesaid, whereof the 'said Sheriff upon his Account 'in the *Exchequer* may have due 'Allowance; and that such 'Rioters, attainted of great

A Riot shall be repressed and inquired of at the King's Charges.

The Punishment of Rioters.

No. 8.
2 Henry V.
st. 1, c. 8.

'and heinous Riots, shall have 'one whole Year's Imprisonment at the least, without 'being let out of Prison by 'Bail, Mainprise, or in any 'other Manner, during the 'Year aforesaid; and that the 'Rioters attainted of petty 'Riots shall have Imprisonment as best shall seem to 'the King or to his Council; 'and that the Fines of such 'Rioters attainted, shall be by 'the said Justices increased 'and put to greater Sums than 'they were wont to be put in 'such Cases before this Time, 'in Aid and Supportation of 'the Justices and other Officers aforesaid in this Behalf; 'and that the King's liege 'People being sufficient to travel in the County where 'such Routs, Assemblies, or 'Riots be, shall be assistant to 'the Justices, Commissioners, 'Sheriff, or Under-Sheriff, of 'the same County, when they 'shall be reasonably warned, 'to ride with the said Justices, 'Commissioners, and Sheriff, or Under-Sheriff, in 'Aid to resist such Riots, 'Routs, and Assemblies, upon 'Pain of Imprisonment, and 'to make Fine and Ransom 'to the King; and that the 'Bailiffs of Franchises shall 'cause to be impanelled sufficient Persons as before, upon 'Pain to lose to the King forty 'Pounds, in case that such sufficient Persons may be found 'within the same Franchises; 'and that like Ordinances and 'Pains shall hold Place and 'take Effect in Cities, Boroughs, and other Places and 'Towns infranchised, which 'have Justices of the Peace 'within the Cities, Boroughs,

Each able Person shall be assistant to the Justices and Sheriff to repress Riots.

Bailiffs of Franchises.

Riots committed in Cities, Boroughs, and Towns Corporate.

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estre lesse hors du prisone par baille mainprys ou en autre maner durant lan suisdit. Et qe les riotours atteintz des petitz riotes eient emprisonement come semble melx a Roy ou a son conseill. Et qe les fyns dicelles riotours atteintz soient par les ditz justices encressez et mys a greindres sommes qils ne soloient estre mys en tielx cases devant ces heures en aide et supportation de les costages des justices et autres officers suisditz celle partie. Et qe les lieges du Roy esteantz sufficeantz pur travailler en le countee ou tielx routes assembles ou riotes sont soient assistentz as justices commissioners viscont et soutz-viscont de mesme le countee qant ils serront resonablement garniz pur chivacher ove les ditz justices commissioners et viscont ou soutz-viscont en aide de resistence de tielx riotes routes et assemblez sur peine demprisonement et faire fyn et ranceon a Roy. Et qe les baillifs des franchises facent empaneller sufficeantz gentz come desuis sur peine de perdre au Roy xl. li. en cas qe tielx persones sufficeantz purront estre trovez deinz mesmes les franchises. Et qe semblables ordeignances et peines teignent lieu et force en citees burghs et autres villes et lieux en franchises queux ount justices de la pees deins les citees burghs villes et autres lieux suisditz et qe cest estatut commencera a tenir lieu meintenaunt apres la proclamation en fait.

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'and other Places aforesaid; 'and that this Statute shall begin to hold Place presently 'after the Proclamation thereof made.' No. 8. 2 Henry V. st. 1. c. 8.

No. 9.

3 Henry 6. c. 1.—Masons shall not confederate themselves in Chapiters and Assemblies.

EN primes come par les annuelx congregations et confederacies faitz par les masons en lour generalx chapitres assemblez le bon cours et effect des estatuts de laborers sont publiquement violez et disrumpez en subversion de la leye et grevouse damage de tout le commune nostre Seignur le Roi voillant en ceo cas purvoir de remedie par advis et assent suisditz et a la especial request des ditz Communes ad ordinez et establiz qe tieux chapitres et congregations ne soient desore tenuz. Et si ascuns tielx soient faitz soient ceux qi fount faire assembler et tenir iceux chapitres et congregations sils ent soient convictz adjuggez pur felons et qe toutz les autres masons qi viegnent as tielx chapitres et congregations soient puniz par emprisonement de lour corps et facent fyn et raunceon a la volunte du Roi. No. 9. 3 Henry VI. c. 1.

No. 10.

8 Henry VI. c. 6.—If any threaten by casting of Bills to burn a House, if Money be not laid in a certain Place; and after do burn the House: Such burning of Houses shall be adjudged High Treason.

ITEM pur ceo qe nostre Seignur le Roy a la grevouse compleint a luy fait par les Communes de son Roialme en cest parlement ad entendu qe diverses graundes meschiefs et subtielx felonies ou robberies ore tarde sont avenuz et faitz en la ville de Cantebrigge et aillours en lez countees de Cantebrigge et Essex et en autres lieux dEngleterre par gents malefesours desconuz queux fount diverses billes directz as diverses gents de mesmes les ville countees et autres lieux dEngleterre lour commaundant de mettre diverses graundes sommes dargent en certeins lieux ou lez ditz mesfaisours ceo purront legierment emporter sanz estre prisez ou aperceux certificantz en lez ditz billes qe sils ne mettent lez deniers en les lieux par lez ditz billes assignez as certein jour qe lez ditz mesfaisours ferrount le pluis graunde et outrageous vengeance qils poient a toutz iceux qi ne voudrent my tielx sommes illoeqes mettre. Et pur ceo qe tielx sommes nount pas este mys en diverses lieux sq- No. 10. 8 Henry VI. c. 6.

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No. 10. 3 Henry VI. c. 6. lone le purport de mesmes les billes plusours measons biens et chateux de diverses persones ount estee felonousement et traiterousement au Cantebrigge et aillours en les countees et lieux suisditz arsez et tout outrement anientez parount le people de les ville countees et autres lieux suisditz sount graundement empoeverez et en point destre finalment destruitz mesme nostre Seignur le Roy voillant en ceo cas purvoier de remedie ad ordinee par auctorite de cest parlement qe toutz tielx arsures dex measons de qiqe persone soient adjuggez haut treson. Et qe ceste ordinance sextende auxibien a tielx arsures faitz puis le primer jour du regne de nostre Seignur le Roi tanqe cea come as arsures affairz en temps avenir Salvant toutz foitz as toutz Seignurs et autres persones lour libertees et fraunchises sicome ad este fait et use devaunt ces heures en cas de forfaiture de felonie.

No. 11.

11 Henry VI. c. 11. — The Punishment of those that make Assault upon any that come to the Parliament.

No. 11. 11 Henry VI. c. 11.

'ITEM, the King willing to 'provide for the Ease 'and Tranquillity of them that 'come to the Parliaments and 'Councils of the King by his 'Commandment, hath ordained and stablished, that if any 'Assault or Affray be made to 'any Lords Spiritual or Temporal, Knight of the Shire, 'Citizen or Burgess, come to 'the Parliament, or to other 'Council of the King by his 'Commandment, and there 'being and attending at the 'Parliament or Council, that 'then Proclamation shall be 'made in the most open Place 'of the Town by three several 'Days, where the Assault or 'Affray shall be made, that 'the Party that made such 'Affray or Assault yield himself before the King in his 'Bench within a Quarter of a 'Year after the Proclamation 'made, if it be in the Time of 'the Term, or otherwise at the

ITEM le Roi voillant purvoier pur la ese et tranquillite de eux qui vieudront as parlementz ou consels du Roi de son commaundement ad ordeigne et estable qe si ascune asaut ou afray soit fait a ascune Seignur espirituel ou temporel chivaler de counte citezin ou burgeis venuz au parlement ou a counseill du Roi par son commandement et la esteant et entendant a parlement ou a counseill qadonqes soit proclamation fait par trois jours severalx en le pluis overt lieu de la ville ou lassaut ou affrai serra ensi fait qe la parte qui face tiel affraye ou assaute soy rende devaunt le Roy en son Banke deins une quarter dune an apres la proclamation fait sil soiet el temps du terme ou autrement al proschein jour en le temps du terme ensuant le dit quarter et sil ne face qil soit atteint de le feit suisdit et paye al parte greve sez da-

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mages a double a taxer par la discretion dez Justices du dit Bank pur le temps esteant ou par enquest sil bosoigne et face fyn et raunceon a la volunte de Roi. Et sil veigne et trove soit coupable par enquest par examination ou en autre maner de tiel affraie ou assaute paie il adonqes a parte ensi greve sez damages a double trovez par enque ou a taxer par la discretion dez ditz Justices et face fyn et raunceon a la volunte du Roi come desuis est dit.

'next Day in the Time of the 'Term following the said 'Quarter; and if he do not, 'that he be attainted of the 'said Deed, and pay to the 'Party grieved his double 'Damages, to be taxed by the 'Discretion of the Justices of 'the same Bench, for the Time 'being, or by Inquest, if it 'be needful, and make Fine 'and Ransom at the King's 'Will; and if he come, and 'be found guilty by Inquest, 'by Examination, or otherwise, 'of such Affray or Assault, 'then he shall pay to the Party 'so grieved his double Da-'mages found by the Inquest, 'or to be taxed by the Discre-'tion of the said Justices, and 'make Fine and Ransom at 'the King's Will, as above is 'said.'

No. 11. 11 Henry VI. c. 11.

No. 12.

11 Henry VII. c. 7. — The principal Leaders of any Persons to commit a Riot or unlawful Assembly, shall be committed to Prison so long Time, and pay such Fine, and be bound to the Peace with Sureties in such a Sum of Money as shall seem meet to the Justices of Peace before whom the Complaint is made, or the Indictment found. And if the Riot be with forty Persons, or thought heinous, then the Justices of Peace shall certify the same, and send up the Record of Conviction to the King and his Council. *To endure to the next Parliament.*

No. 13.

19 Henry VII. c. 13.—Riot.

'WHEREAS in the Parliament holden at *Westminster* 'the *Tuesday* the Morrow next after *All Souls*, the 'thirteenth Year of the Reign of King *Henry* the Fourth, 'among other Things it was enacted, ordained, and establish-

No. 13. 19 Henry VII. c. 13.

No. 13.
13 Henry VII.
c. 13.

Jurors impanelled to inquire of Riots, and the Issues returned thereupon.

The Punishment of Maintainers, whereby a Riot is not found.

'ed, That if any Riot, Assembly, or Rout of People against 'the Law, were made in any Part of the Realm, That the 'Justices of the Peace, three or two of them at the least, and 'the Sheriff or Under-Sheriff of the County where such Riot, 'Assembly, or Rout should be done, after the same Statute, 'should come with the Power of the Shire, (if Need should be) 'to arrest them, and them should arrest; and the same Jus-'tices and Sheriff, or Under-Sheriff, should have Power to 'record that that they should find so done in their Presence 'against the Law, and that by the Record of the same Jus-'tices and Sheriff, or Under-Sheriff, the same Trespassers 'and Misdoers should be convicted in Manner and Form, as 'it is contained in the Statute of Forcible Entries; with di-'vers and many other Articles touching and concerning the 'Premisses, as in the same Statute made the said xiij. Year 'more plainly at large it appeareth, which Statute is thought 'good and necessary: Wherefore by the Advice and Assent 'of the Lords Spiritual and Temporal, and the Commons, in this 'present Parliament assembled, and by Authority of the same,' Be it therefore ordained, established, and enacted, That the said Act made in the said xiij. Year of King *Henry* the Fourth, concerning Riots, Assemblies, and Routs of People, and all and every Article and Articles comprised in the same, and also all other Statutes before this Time made concerning the Punishment of Rioters, at the Time of the making of this Act being in Force, from henceforth stand in their Force, and be duly put in Execution after the Tenors and Purports of the same. 'And forasmuch as in the said Statute made in 'the said xiij. Year, is not expressed of what Sufficiency the 'Jurors impanelled should be, or what Issues they should 'lose, if they appear not, nor no mention therein made of 'any Punishment of the Maintainers and Embracers of the 'Jurors that so shall be impanelled, should have for their Mis-'demeanors, if any be:' It is therefore furthermore enacted by the said Authority in this present Parliament, That if any Riot, Rout, or unlawful Assembly, be committed and done at any Time after the first Day of *May* next coming, within this Realm of *England*, that the Sheriff having a Precept directed to him, shall return xxiv. Persons dwelling within the Shire where such Riot, Rout, or unlawful Assembly shall be so committed and done, whereof every of them shall have Lands and Tenements within the same Shire to the yearly Value of xx s. of Charter Land or Freehold, or xxvi s. viii d. of Copyhold, or of both, over and above all Charges, to inquire of the said Riot, Rout, or unlawful Assembly. And he shall return upon every Person so by him impanelled, in Issues, at the first Day xx s. and at the second Day xl s. if they appear not and be sworn to inquire of the Premisses at the first Day. And if Default be in the Sheriff or Under-Sheriff, for returning of other Persons, not being of the said Sufficiency, or return not Issues in Form aforesaid, that then the said Sheriff shall forfeit to our Sovereign Lord the King,

How many Jurors shall be returned to inquire of a Riot, and of what Sufficiency they shall be.

What Issues shall be returned upon the Jurors.

for either Default therein, xx. li. And if the said Riot, Rout, or unlawful Assembly be not found by the said Jury, by reason of any Maintenance or Embracery of the said Jurors, then the same Justices and the Sheriff, or Under-Sheriff, over and above all such Certificate that they must and be bound to make, according to the said Statute made in the said xiii. Year, shall in the same Certificate certify the Names of the Maintainers and Embracers in that Behalf, if any be, with their Misdemeanors that they know, upon Pain of every of the said Justices and Sheriff, or Under-sheriff, to forfeit xx. li. if the same Justices and Sheriff, or Under-sheriff, have no reasonable Excuse for non-certifying the same; which Certificate so made shall be of like Force and Effect in the Law, as if the Matter contained in the same were duly found by the Verdict of twelve Men: And every Person duly proved to be a Maintainer or Embracer of the same shall forfeit to our said Sovereign Lord xx. li. and as well the same Maintainers as the Embracers shall be committed to Ward, there to remain by the Discretion of the Justices.

No. 13.
19 Henry VII. c. 13.
The Sheriff's Forfeiture for omitting his Duty.
Certificate of the Maintainers and Embracers.
The Forfeitures of Maintainers and Embracers, whereby a Riot is not found.

No. 14.

21 Henry VIII. c. 20.—The President shall be associate with the Chancellor, &c. in Examination and Punishing of Riots, &c. Obs. 16 Car. 1. c. 10.

No. 15.

26 Henry VIII. c. 11.—Whosoever dwelling in *Wales*, or the Marches thereof, shall assault, beat or hurt any Person of the County *Gloucester*, *Salop*, or *Hereford*, and shall be indicted and convict thereof, shall be one Year imprisoned.—[To endure to the next Parliament.]

No. 16.

33 Henry VIII. c. 12.—The Bill for the Houshold.

'WHERE Treasons, Misprisions of Treasons, Murders, 'Manslaughters, and other malicious Strikings, by reason whereof Blood is or shall be shed, against the King's Peace, 'been often and many Times done and committed within the 'Limits of the King's Palace or House, or other House or 'Houses, where and when his Majesty is there demurrant 'and abiding in his own most Royal Person, which Offences, 'when they be done, be best known by his Highness Officers 'and Ministers of his most honourable Houshold, and by his 'Majesty's Servants of the Chequer-Roll; and if his Majesty

No. 16.
33 Henry VIII. c. 12.
Punishment of Murder and Bloodshed within the King's Court.

No. 16.
33 Henry VIII. c. 12.

'shall happen to remove from such his Palace or House, or 'other House or Houses, where such Offences were done, be'fore the Trial or Determination thereof, then such Offences 'might not lawfully be tried, heard and determined by and 'before the said Officers, but be remitted to be tried and deter'mined by the Order of the Common Laws of this Realm; 'by reason whereof, the Punishment of the said Offenders 'in such Cases hath been long delayed, and sometimes their 'Offences forgotten and not rembred, and so escape unpunish'ed:' Be it therefore enacted by the King our Soverign Lord, with the Assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That all Treasons, Misprisions of Treasons, Murders, Manslaughters, Bloodsheds, and malicious Strikings, by reason whereof Blood is or shall be shed against the King's Peace, which hath been done since the Feast of *All-Saints* last past, or hereafter shall be done, within any the Palaces or Houses of his Highness or his Heirs, or any other House or Houses, at such Time as his Majesty hath been since the said Feast of *All-Saints*, or hereafter shall happen to be then demurrant or abiding in his Royal Person, shall be from thenceforth inquired of, tried, heard and determined within any the King's Palaces or Houses, or other House or Houses where his Majesty or his Heirs shall hereafter repair unto or be abiding, in Manner and Form following, That is to say, Before the Lord Great Master, or Lord Steward for the Time being, of the King's most honourable Houshold, and of his Heirs and Successors; and in the Absence of the said Lord Great Master, or Lord Steward of the Houshold, before the Treasurer and Comptroller for the Time being of the King's most honourable Houshold, and of his Heirs and Successors, and Steward of the *Marshalsey* for the Time being, or two of them, whereof the Steward of the *Marshalsey* for the Time being to be one, by Virtue of their Offices, without any Commission or other Authority or Power, other than by the Authority of this present Act, to be given unto them or any of them; which Steward of the *Marshalsey* shall be for ever from Time to Time assigned and appointed by Writing under the Seal of the said Lord Great Master, or Lord Steward for the Time being. And whether the King's Majesty or his Heirs, hath, or at any Time hereafter shall be, removed from the Palace, House or Houses, where such Offences were or shall be done, or not removed before they be enquired of, tried, heard and determined; yet such Offences shall, by the Authority of this Act, always from henceforth, be enquired of, tried, heard and determined before the King's Majesty and his Heirs Officers and Ministers of his Houshold before named, or two of them as is aforesaid, by the Inquisition and Verdict of his Highness, and his Heirs Houshold Servants, in his or their Check-roll, in Manner and Form as before and hereafter is expressed in this present Act, and at such Palace, House or Houses, where his Ma-

Where, and before whom Murders, malicious strikings, &c. committed in the King's House shall be tried.

jesty or his Heirs shall be at any Time hereafter demurrant or abiding.

No. 16.
33 Henry VIII.
c. 12.

II. And that all such Returns of Process, and all Executions and Judgments concerning the Premisses, shall be had and done by the Officers before and hereafter expressed, and in Manner and Form as before and hereafter in this present Act is contained.

Enquiry of Persons slain within the King's House, or where he shall abide.

III. And that all Inquisitions upon the View of Persons slain, or hereafter to be slain, within any of the King's said Palaces or Houses, or other House or Houses aforesaid, shall be, by Authority of this Act, had and taken hereafter for ever by the Coroner for the Time being of the Houshold of our Sovereign Lord the King or his Heirs, without any adjoining or assisting of any other Coroner of any Shire within this Realm, by the Oath of twelve or mo of the Yeoman Officers of the King and his Heirs most honourable Houshold, returned by the two Clerks Comptrollers, the Clerks of the Check, and the Clerks Marshals, or one of them for the Time being of the said Houshold, to whom the said Coroner of the same Houshold shall direct his Precept; which Coroner of our said Sovereign Lord the King's Houshold shall be from Time to Time named, appointed and assigned by the said Lord great Master, or Lord Steward for the Time being; and that the said Coroner of the said Houshold shall, from Time to Time for ever without Delay, certify under his Seal and the Seals of such Persons as shall be sworn before him, all such Inquisitions, Indictments and Offices, upon the View of all dead Bodies being slain at any Time sith the Feast of *All-Saints* aforesaid, or which hereafter shall be slain within any the King's said Palaces or Houses, or other House or Houses aforesaid, before the said Lord great Master, or Lord Steward, and in his Absence, before the Treasurer, Comptroller and Steward of the *Marshalsey* aforesaid, or before two of them, whereof the said Steward of the *Marshalsey* to be one; and that such Inquisitions and Offices so certified, shall be deemed, adjudged and taken for ever, as good and effectual in the Law to all Intents, Constructions and Purposes, as any Inquisition taken upon the view of the Body of any Person being dead, by any Coroner of any County of this Realm, hath been or shall be adjudged or taken.

Enquiry of Murders, Bloodshed, &c. by the Yeomen Officers of the King's House.

IV. And be it further enacted by the Authority aforesaid, That the said two Clerks Comptrollers, Clerks of the Check, and Clerks Marshals for the Time being of the King's said Houshold, and of his Heirs, or one of them for ever, upon a Precept to them, or to any of them hereafter to be made by the said Lord great Master or Lord Steward, or, in the Absence of the said Lord great Master or Lord Steward, by the said Treasurer and Comptroller of the King's most honourable Houshold, and the said Steward of the *Marshalsey*, or by two of them, whereof the said Steward of the said *Marshalsey* to be one, shall have full Power to summon, warn and return the Names of twenty-four Persons, being Yeoman Officers of the

No. 16. 33 Henry VIII. c. 12.

King's said Houshold, and of his Heirs, in the said Check-roll, to enquire of such Treasons, Misprisions of Treasons, Murders, Manslaughters, and other malicious Strikings, by reason whereof Blood is or shall be shed, against the King's Peace, before the said Lord great Master or Lord Steward, and, in his Absence, before the said Treasurer, Comptroller and Steward of the *Marshalsey*, or before two of them at the least, whereof the Steward to be one.

V. And that it shall be lawful to the said Lord great Master or Lord Steward, and, in his Absence, to the said Treasurer, Comptroller, and the said Steward aforesaid, or two of them, whereof the said Steward to be one, before whom such Returns shall be so made as is aforesaid, to cause such Number of the said twenty-four Persons so returned, above the Number of twelve Persons, as to him or them shall seem expedient, to enquire of such Treasons, Misprisions of Treasons, Murders, Manslaughters and other malicious Strikings, by reason whereof Blood is or shall be shed, against the King's Peace, within the said Palaces or Houses, or other the said House or Houses, sith the said Feast of *All-Saints*, or at any Time hereafter shall be committed or done within the said Palace or House, or other the said House or Houses.

Arraignment of an Offender indicted.

VI. And if any Person or Persons be indicted by the said Jury, so sworn before them as is aforesaid, or by Inquisition before the said Coroner of the said Houshold, and certified before the said Lord great Master or Lord Steward, or in the Absence of the said Lord great Master or Lord Steward, before the said Treasurer, Comptroller and Steward, or before two of them, whereof the said Steward to be one as is aforesaid, that then immediately without Delay the said Lord great Master or Lord Steward, and, in his Absence, the said Treasurer, Comptroller and Steward, or two of them, whereof the said Steward to be one, before whom the said Presentment, Inquisition or Indictment shall so be found or certified by the said Coroner of the same Houshold, shall arraign before them all and every such Person and Persons so indicted according to the Course of the Common Law of this Realm, and forthwith, after Issue joined between the King our Sovereign Lord, his Heirs or Successors, and the Prisoner so arraigned, the same Day and Place, or any other Day and Place, at the Pleasure of the said Lord great Master, Lord Steward, and, in his Absence, at the Pleasure of the said Treasurer, Comptroller and Steward of the *Marshalsey*, or two of them as is aforesaid, shall make another Precept to the said Clerks Comptrollers, Clerks of the Check, and Clerks Marshals for the Time being of the said Houshold, or to one of them, to summon and return one other Jury of twenty-four Persons, to appear before the said Lord great Master or Lord Steward, and in his Absence, before the said Treasurer, Comptroller and Steward of the *Marshalsey*, or before two of them, whereof the said Steward to be one, at such Day, Time and Place, and upon such Pain, as shall be then limited and appointed, of the Ser-

vants and Gentlemen Officers of the King's Chamber, his Heirs and Successors, and of the said Housholds, which now take, or hereafter shall take, Wages by the King's Chequer-roll; and that the Lord grand Master or Lord Steward (if he be there present) or in his Absence the said Treasurer, Comptroller and Steward of the said *Marshalsey*, or two of them, whereof the same Steward to be one, before whom such Jury shall be so returned, shall cause twelve of the same Jury to be sworn, without any manner of Challenge to be had or allowed for any manner of Cause, to any of the said Jury (Malice only excepted) truly to be tried between our said Sovereign Lord the King and his Heirs, and such Person and Persons as shall be so indicted and arraigned of such Treasons, Misprisions of Treasons, Murders, Manslaughters and other malicious Strikings, by reason whereof Blood is or shall be shed, against the King's Peace, or any of them; and if any such Person or Persons, so indicted and arraigned, be found guilty of any Treason, Misprision of Treason, Murders or Manslaughters, that then all and every such Person and Persons so found guilty, shall have Judgment of Life and Member, and suffer such Pains of Death, and shall forfeit all their Manors, Lands, Tenements, Goods and Chattels in like Manner and Form, as if the same Person and Persons had been found guilty of any the said Offences by the Order of the Common Laws of this Realm, without allowing to any such Person or Persons so found guilty of any of the same Offences, the Benefits of his or their Clergy, or Privilege of any Sanctuary.

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The Judgment of an Offender found guilty, and his Forfeiture

VII. And if any Person or Persons so arraigned be found guilty for malicious striking, by Reason whereof Blood is, hath been, or shall be shed (1.) against the King's Peace, within the said Palace or House, or any other House, or any other the said House or Houses; that then every such Person or Persons shall from henceforth have Judgment by the said Lord great Master or Lord Steward, (if he be present) and in his Absence by the other afore named, before whom such Person and Persons shall be so found guilty, to have his Right Hand stricken off before the said Lord great Master, or Lord Steward, if he be there present, and in his Absence before the said Treasurer, Comptroller and Steward of the *Marshalsey*, or two of them at the least, whereof the said Steward to be one, and at such Place or Time as he or they before whom such Person or Persons shall be so found guilty, shall appoint Execution to be

The Judgment for striking in the King's Palace, whereby Blood shall be shed.

Who shall do Execution.

(1.) The drawing a Weapon upon any Judge or Justice in Westminster Hall, while the Courts are sitting, or before Judges of Assize or Oyer and Terminer, is at Common Law punishable with the Loss of the right Hand, Forfeiture of Lands for Life, and of Goods and Chattels. So if a Man, within View of the Court, strike a Juror or other Person, although Blood is not drawn. In the Case of the King *v.* Lord Thanet and others, 39 George III. the Court of King's Bench inclined to think that the Judgment was specific, and that they had no Discretion: in consequence of which the Attorney-General, by Command of the Crown, entered a *Nolle prosequi* as to the Counts upon which the Defendants were liable to such Judgment; and Judgment was pronounced upon other Counts, charging the Defendants generally with a Riot.

No. 16. 33 Henry VIII. c. 12.

done; and the same Execution to be done by such Person as the said Lord great Master, or Lord Steward, if he be there present, and in his Absence as the said Treasurer, Comptroller and Steward of the *Marshalsey*, or two of them, whereof the Steward to be one, shall name or appoint, and also shall have Judgment to have perpetual Imprisonment during his Life, and shall pay Fine and Ransom at the King's Majesty's Pleasure, his Heirs and Successors.

The King's Officers attendant at the Execution

VIII. And for the further Declaration of the solemn and due Circumstance of the Execution appertaining, and of long Time used and accustomed, to and for such malicious strikings, by Reason whereof Blood is, hath been, or hereafter shall be shed, against the King's Peace: It is therefore enacted by the Authority aforesaid, That the Sergeant or chief Surgeon for the Time being, or his Deputy, of the King's Houshold, his Heirs and Successors, shall be ready at the Time and Place of Execution as shall be appointed, as is aforesaid, to sear the Stump, when the Hand is stricken off.

Chief Surgeon.

Sergeant of the Pantry.

IX. And the Sergeant of the Pantry for the Time being of the same Houshold, or his Deputy, shall be also then and there ready to give Bread to the Party that shall have his Hand so stricken off.

Sergeant of the Celler.

X. And the Sergeant of the Celler for the Time being of the same Houshold, or his Deputy, shall also be then and there ready with a Pot of red Wine, to give the same Party Drink, after his Hand is so stricken off, and the Stump seared.

Sergeant of the Ewry.

XI. And the Sergeant of the Ewry for the Time being of the same Houshold, or his Deputy, shall also be then and there ready with Clothes sufficient for the Surgeon to occupy about the same Execution.

Yeoman of the Chandry.

XII. And the Yeoman of the Chandry for the Time being of the same Houshold, or his Deputy, shall also be then and there, and have in Readiness seared Cloths, sufficient for the Surgeon to occupy about same Execution.

The Master Cook.

XIII. And the Master Cook for the Time being of the same Houshold, or his Deputy, shall also be then and there ready, and bring with him a dressing Knife, and shall deliver the same Knife at the Place of Execution to the Sergeant of the Larder for the Time being of the same Houshold, or to his Deputy, who shall be also then and there ready, and hold upright the dressing Knife till Execution be done.

The Sergeant of the Larder.

The Sergeant of the Poultry.

XIV. And the Sergeant of the Poultry for the Time being of the same Houshold, or his Deputy, shall be also then and there ready with a Cock in his Hand, ready for the Surgeon to wrap about the same Stump when the Hand shall be so stricken off.

Yeoman of the Scullery.

XV. And the Yeoman of the Scullery for the Time being of the same Houshold, or his Deputy, to be also then and there ready, and prepare and make at the Place of Execution a Fire of Coals, and there to make ready Searing Irons against the said Surgeon or his Deputy shall occupy the same.

XVI. And the Sergeant or chief Ferror for the Time being of the same Houshold, or his Deputy, shall be also then and there ready, and bring with him the Searing-irons, and deliver the same to the same Sergeant or chief Surgeon, or to his Deputy, when they be hot.

No. 16. 33 Henry VIII. c. 12. The chief Ferror.

XVII. And the Groom of the Salcery for the Time being of the same Houshold, or his Deputy, shall be also then and there ready with Vinegar and cold Water, and give Attendance upon the said Surgeon or his Deputy, until the same Execution be done.

Groom of the Salcery.

XVIII. And the Sergeant of the Wood-yard for the Time being of the same Houshold, or his Deputy, shall bring to the said Place of Execution a Block, with a Betil, a Staple, and Cords, to bind the said Hand upon the Block, while Execution is in doing.

The Sergeant of the Wood-yard.

XIX. And be it further enacted by the Authority aforesaid, That if any Person or Persons so indicted of Treason, Misprision of Treason, Murder, Manslaughter, or other malicious striking, by reason whereof Blood is, hath been, or shall be shed, against the King's Peace, as is afore said, and thereof be arraigned, and obstinately refuse to answer directly to the same Offences whereof he or they be so indicted; or if such Person or Persons, so indicted and arraigned, stand mute, and will not speak, then such Person and Persons, so refusing to answer, or standing mute, shall be convict, judged and deemed guilty of the Thing whereof he or they is or shall be so indicted and arraigned, and shall have Judgment to have like Pains of Death, and other Pains, Punishments, Executions, Forfeitures, Losses, and Seizures of Lands, Tenements, Goods and Chattels for the same, as he or they ought or should have had for such like Offences, if he or they were or should be found guilty thereof by the Verdict of twelve Men. And be it further enacted by the Authority aforesaid, That the said Clerks Comptrollers, Clerks of the Check, and Clerks Marshal, or one of them for the Time being, shall from Time to Time name, assign, and appoint a Crier to make Proclamations, and to call the Juries, and to do other Things as becometh a Crier of a Court to do belonging to that Office.

The Par[ty] indicted re[fusing] to answe[r] directly or standing mute.

A Crier shall be appointed.

XX. Provided always, and be it enacted by the Authority aforesaid, That this Act before rehearsed, concerning malicious Strikings, by Reason whereof Blood is, hath been, or shall be shed, against the King's Peace, ne the Pains and Forfeitures before rehearsed for the Punishment of the same, shall not in any ways extend or be prejudicial or hurtful to any Nobleman, ne to any other Person or Persons, that shall happen to strike his or their Servants within the said Palaces or Houses, or any other House or Houses aforesaid, or within the Limits of the same, with his or their Hands or Fists, or with any small Staff or Stick, for Correction and Punishment for any Offences committed and done, or to be committed and done, ne to any of the King's Officers or Servants that shall strike any Persons within the same Palace or House, or any

No. 16. 33 Henry VIII. c. 12.

other House or Houses as aforesaid, although by Reason of the said Stroke or Strokes there happen to be any Blood shed of such Person as shall be so stricken, except the Person so stricken do die of the same Stroke within one Year next after the same Stroke so given. Provided also, and be it enacted by the Authority aforesaid, That the Trial of Peers of this Realm, for committing or doing any Offences in this Act before mentioned, shall be as it hath been used in Times past; any Thing in this Act contained to the contrary notwithstanding.

Trial by Peers.

The Liberty of the Verge.

XXI. Provided also, That the Liberty and Jurisdiction of the *Marshalsey* Court and Circuit of the Verge shall be in all Points, Privileges and Authorities, used by the Ministers and Officers of the same, in as full and as ample Manner as hath been heretofore lawfully used, for Murders, Felonies, Offences, and all Trespasses, Contracts and other Suits whatsoever they be; any Thing in this Act to the contrary notwithstanding.

'XXII. And forasmuch as before this Time one *Richard* '*Staverton* of *Lincoln's Inn*, Gentleman, was commanded and 'appointed by the King's Majesty to occupy the Office of the 'Coroner of his said House, by Force whereof he hath con- 'tinued Officer in the same by the Space of sixteen Years or 'more:' Be it enacted by the Authority aforesaid, That the said *Richard Staverton* shall have, occupy and enjoy the said Office of Coroner during his Life, together with all such Profits and Commodities as before this Time have been due and appertaining in any wise to the same; and after his Decease, the said Coroner always to be made, assigned and appointed by the said Lord great Master, or Lord Steward for the Time being.

The Coroner of the King's House.

'XXIII. And for that hereafter it might be doubted, how 'far the Limits and Bounds of the said House or Houses 'should extend or be taken, within which Limits or Bounds 'any of the said Offences which have been committed or done 'sith the said Feast of *All Saints*, or hereafter shall be com- 'mitted or done, for the which all and every Person and Per- 'sons so offending, should have and suffer the Pains, Penal- 'ties and Forfeitures as is aforesaid;' for plain Declaration thereof, and for the avoiding of all Doubts and Questions which may hereafter happen to arise of, for, or upon the same:

The Limits and Bounds of the King's House.

XXIV. Be it enacted by the Authority aforesaid, That the Limits and Bounds of the said House and Houses, within which any of the Offences aforesaid, now committed or done sith the said Feast of *All Saints*, or hereafter to be committed and done, shall be punished as is aforesaid, shall extend and be taken within these Places ensuing, and in none other, that is to say, within any Edifices, Courts, Places, Gardens, Orchards, or Houses within the Porter's Ward, of any of the House or Houses above rehearsed, or within any Gardens, Privy Walks, Orchards, Tilt-yards, Wood-yards, Tennis-plays, Cock-fights, Bowling-alleys near adjoining to any of the Houses above re-

hearsed, and being Part of the same, or within two hundred Foot of the Standard of any outward Gate or Gates of any of the Houses above rehearsed, commonly used for Passage out or from any of the House or Houses above rehearsed.

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XXV. Provided alway, That this Act shall not take Effect, or be put in Execution, till from and after the first Day of *May* next ensuing, except only for Murders and Manslaughters; for the which Offences of Murder and Manslaughter, the same to take Effect from the Feast of *All Saints* last past, according to the Tenor and Effect of the said Act.

Cases of striking, to which this Statute does not extend.

XXVI. Provided always, and be it enacted by the Authority aforesaid, That this Act rehearsed concerning malicious Strikings, by Reason whereof Blood is, hath been, or shall be shed, against the King's Peace, ne the Pains and Forfeitures before rehearsed for the Punishment of the same, shall not in any wise extend, or be prejudicial or hurtful to any Nobleman, ne to any other Person or Persons, that shall happen to strike his or their Servants within the said Palace or House, or any other House or Houses, Place or Places aforesaid, or within the Limits of the same, with his or their Hands or Fists, or with any small Staff or Stick, for Correction and Punishment for any Offences committed and done, or to be committed and done; ne to any of the Kings's Officer or Officers, that in executing of his or their Office shall strike any Person or Persons with his or their Hands or Fists, or with any small Staff or Stick, or with any Staff commonly called a Tip-staff, within the same Palace or House, or any other Palaces or Houses or Places aforesaid, ne to any other Person or Persons, that in [illegible] Service at any Triumph, or any other Time of Service, [illegible] the King's Commandment, or of any of his Grace's Council, or other his Grace's head Officers, shall happen, for the executing of their said Service, to strike any Person or Persons with his or their Hands or Fists, or with any small Staff or Stick, or with any Staff commonly called a Tip-staff, within the same Palace or House, or any other Palaces or Houses, or Place or Places aforesaid, although by Reason of the same Stroke or Strokes there happen to be any Blood shed of such Person as shall be so stricken, except the Person so stricken do die of the same Stroke within one Year next after the Stroke so given.

Stealing the King's Goods, or entering his House to steal, shall be Felony, Rep. 1 Ed. 6. c. 12. 1 M. sess. 1. c. 1.

XXVII. And also be it farther enacted by the Authority aforesaid, that if any Person or Persons shall, from the first Day of *April* next coming, steal or feloniously take away any Plate, Jewels or other Goods of our said Sovereign Lord the King, his Heirs or Successors, Kings, of the Value of xii d. or above, or break or enter into any the King's Houses, to the Intent to steal any of the King's Goods, his Heirs or Successors, Kings, though his Majesty be absent, or any other House, while it shall fortune the same his Majesty to be lodged or abiding therein, every such Offence to be deemed Felony; and the Person or Persons so offending, their Abettors, Procurers, Counsellors and Receptors, thereof lawfully

No. 16. 33 Henry VIII. c. 12. The Trial of the Offenders.

convicted, to suffer like Penalties, Forfeitures and Pains of Death, as appertaineth to Felons, without having the Benefit of their Clergy or Sanctuary; and every such Offender being apprehended within the Verge of the King's House, to be arraigned and tried by Men of the Country, as other Offenders for Offences done within the Verge before the Steward of the said *Marshalsey*, and other unto him associated, are to be arraigned and tried within the same Precinct.

No. 17.

37 Henry VIII. c. 6.—The Bill for burning of Frames.

No. 17. 37 Henr. VIII. c. 6.

'WHERE divers and sundry malicious and envious Persons, being Men of evil and perverse Dispositions, 'and seduced by the Instigation of the Devil, and minding 'the Hurt, Undoing and Impoverishment of divers of the 'King's true and faithful Subjects, as Enemies to the Commonwealth of this Realm, and as no true or obedient Subjects 'unto the King's Majesty, of their malicious and wicked 'Minds, have of late invented and practised a new damnable 'kind of Vice, Displeasure and damnifying of the King's 'true Subjects, and the Commonwealth of this Realm, as in 'secret burning of Frames of Timber prepared and made 'by the Owners thereof, ready to be set up and edified for 'Houses, cutting out of Heads and Dams of Pools, Motes, 'Stews, and several Waters; cutting off Conduit-heads or 'Conduit-pipes; burning of Wains and Carts loaden with Coals 'or other Goods; burning of Heaps of Wood, cut, felled, and 'prepared for making of Coals; cutting out of Beasts Tongues; 'cutting off the Ears of the King's Subjects; barking of 'Apple-trees, Pear-trees, and other Fruit-trees; and divers 'other like Kinds of miserable Offences; to the great Displeasure of Almighty God, and of the King's Majesty, and 'to the most evil and pernicious Example that hath been seen 'in this Realm:'

Several new and wicked Devices tending to the damnifying of others.

It shall be Felony, unlawfully and secretly to burn or cut a Frame of Timber prepared for making a House. Repealed by 1 Ed. 6. c. 12. 1 M. sess. 1. c. 1.

II. For Remedy whereof, be it enacted by Authority of this present Parliament, That if any Person or Persons, at any Time after the first Day of *May* next ensuing, maliciously, unlawfully, willingly and secretly burn, or cause to be burned, cut, or cause to be cut or destroyed, any Frame or Frames of Timber of any other Person or Persons, made and prepared, or hereafter to be made or prepared, for or towards the making of any House or Houses, so that the same shall not be able for the Purpose for the which it was prepared; that then every such Act and Acts so to be committed, perpetrated, and done by any Person or Persons, shall be deemed and adjudged Felony, and the Offender or Offenders therein, being lawfully convicted or attainted, shall have and suffer Pains of Death, and shall lose and forfeit Goods and Chattels for ever, and the

Profits of their Lands, Tenements and Hereditaments, for Term of his or their Lives. No. 17. 37 Hen. VIII. c. 6.

III. Provided always, That such Attainder shall be no avoiding of any Woman's Dower, ne Corruption of Blood against the Heir or Heirs of such Offender or Offenders, but be it enacted, That the Wife and Wives of such Offender or Offenders shall have their Dowers; and that such Heir and Heirs shall, after the Decease of the said Offender, have and enjoy the said Lands, Tenements, and Hereditaments of such Offender and Offenders, in like Manner and Form as they should have had, if this Act, or any such Attainder had never been had ne made. And that the Heir or Heirs having the said Lands, Tenements, or Hereditaments of any Estate of Inheritance, shall yield unto the Party grieved for such Offence or Offences, his Damages of the Profits of the said Lands, Tenements, or Hereditaments of such Offender or Offenders, whereunto he shall be inheritable, by Action of Debt, to be taken in the Common Bench at *Westminster*; in which Action no Wager of Law, Essoin, ne Protection shall be allowed.

This Felony doth not make the Wife lose her Dower, nor work Corruption of Blood in the Heir.

The Offender's Heir shall satisfy the Party grieved.

IV. And be it further enacted by the Authority aforesaid, That if any Person or Persons, after the said first Day of *May*, maliciously, wilfully, and unlawfully cut or cause to be cut out of the Head or Heads, Dam or Dams of any Ponds, Pools, Motes, Stews, or other several Waters, or the Head or Head Pipe or Pipes of any Conduit or Conduits of any other Person or Persons, or maliciously, willingly and unlawfully, after the said first Day of *May*, burn or cause to be burned any Wain or Wains, Cart or Carts laden or to be laden with Coals or any other Goods or Merchandizes of any other Person or Persons, or maliciously, willingly and unlawfully, after the said first Day of *May*, do burn or cause to be burned any Heap or Heaps of Wood of any other Person or Persons, prepared, cut and felled, or to be prepared, cut or felled, for making of Coals, Billets, or Talwood; or maliciously, unlawfully and willingly, after the said first Day of *May*, cut or cause to be cut out, the Tongue or Tongues of any Tame Beast or Beasts, of any other Person or Persons, the said Beast then being in Life; or maliciously, willingly or unlawfully, after the said first Day of *May*, cut or cause to be cut off the Ear or Ears of any of the King's Subjects, otherwise than by Authority of the Law, Chance-medley, sudden Affray or Adventure; or after the said Day, maliciously, willingly, or unlawfully bark any Apple-trees, Pear-trees, or other Fruit-trees of any other Person or Persons; that then every such Offender and Offenders shall not only lose and forfeit unto the Party grieved treble Damages for such Offence or Offences, the same to be recovered by Action of Trespass to be taken at the Common Law, but also shall lose and forfeit to the King's Majesty, and his Heirs, for every such Offence x l. sterling in name of a Fine.

The Penalty for cutting the Head of any several Waters.

Altered [illegible]

Burning a Cart loaden.

Burning a Heap of Wood prepared for Coals.

Cutting out the Tongue of a Beast.

Cutting off the Ears of another.

Barking of Fruit-trees.

No. 18.

3 and 4 Edward VI. c. 5.—It shall be High Treason for twelve Persons or above, being assembled together, to attempt to kill or imprison any of the King's Council, or to alter any Laws, and to continue together by the Space of an Hour, being commanded by a Justice of Peace, Mayor, Sheriff, &c. to return. And it shall be Felony for twelve Persons or above, to practise to destroy any Park, Pond, Conduit or Dove-house, or to have Common or Way in any Ground, or to pull down any Houses, Barns, or Mills, or to burn any Stack of Corn, or to abate the Rents of any Lands, or the Prices of any Victual, and to continue together an Hour, being commanded by a Justice of Peace, Sheriffs, Bailiffs, &c. by Proclamation to return. EXP. 7 Ed. 6. cap. 11. and REP. 1 M. 1. Sess. 2. cap. 12.

No. 19.

5 and 6 Edward VI. c. 4.—Against quarrelling and fighting in Churches and Church-yards.

[Inserted Part IV.]

No. 20.

1 Mary, sess. 2. c. 12.

Riots. If any Persons to the Number of twelve or above, being assembled together, shall intend, go about, practise or put in Use, with Force and Arms, unlawfully and of their own Authority, to change any Laws made for Religion, by Authority of Parliament or any other Laws of this Realm, the same Number of twelve or above, being commanded by the Sheriff, or by any Justice of Peace, or by any Mayor, Sheriff, Justices of Peace or Bailiffs of any City, Borough or Town Corporate, where any such Assemblies shall be, by Proclamation in the Queen's Name to retire and repair to their Houses or Places from whence they came: and any of them, notwithstanding such Proclamation, shall continue together by the Space of one Hour after such Commandment made, or after that shall willingly in forcible and riotous Manner attempt to do or put in Use any of the Things above specified: That then as well every such Abode together, as every such Act or Offence, shall be adjudged Felony, and the Offenders

shall suffer Death, as in case of Felony. And if any Persons to the said Number of twelve or above, shall go about, &c. to overthrow, cut, cast down, or dig the Pales, Hedges, Ditches, or other Enclosure of any Park, or other Ground enclosed, or the Banks of any Fish-pond, or any Conduits for Water, to the Intent that the same should from thenceforth lie open, or unlawfully to have any Way or Common in the said Parks or other Grounds enclosed, or to destroy the Deer in any Park, or any Warren of Conies, or any Dove-houses, or Fish in any Fish-pond, or to pull or cut down any Houses, Barns, Mills or Bays, or to burn any Stacks of Corn, or to abate or diminish the Rents of any Lands, or the Price of Victual, Corn or Grain; and being commanded by any Justice of Peace, &c. by Proclamation, &c. to retire to their Habitations, &c. and they notwithstanding shall remain together by the Space of one Hour, or shall in forcible Manner put in Ure any of the Things before mentioned, &c. every of the said Offenders shall be judged a Felon, &c. And if any Person unlawfully, by ringing of Bells, sounding of any Trumpet, Drum, Horn or other Instrument, or by firing of a Beacon, or by malicious speaking of any Words, or making any Outcry, or by setting up or casting of any Bill or Writing, or by any other Deed, shall raise any Persons to the Number of twelve or above, to the Intent that the same Persons should do any of the Acts above mentioned, and the Persons so raised, after Commandment given in Form aforesaid, shall make their Abode together, or in forcible Manner put in Ure any of the Acts abovesaid; then all Persons, by whose Speaking, &c. shall be adjudged Felons. And if the Wife, Servant, or other Persons shall any way relieve them that be unlawfully assembled, with Victuals, Weapons or other Thing, they shall be adjudged Felons. And if any Persons above the Number of two, and under the Number of twelve, shall practise any of the Things above mentioned, and being commanded by a Justice of Peace, &c. to retire, &c. make their Abode by the Space of one Hour together, every of them shall suffer Imprisonment one Year, and every Person damnified shall recover his triple Damages against him; and every Person able, being requested by the King's Officers, shall be bound to resist them. If any Persons to the Number of forty or above, shall assemble together by forcible Manner, unlawfully to put in Ure any of the Things above specified, or to do other Felonies or Rebellions, and so shall continue together three Hours after Proclamation made at or nigh the Place where they be so assembled, or in some Market Town thereunto next adjoining, and after Notice to them given; every Person so willingly assembled and continuing shall be adjudged a Felon. And if any Copyholder or Farmer, being required by any of the King's Officers

to aid and assist them in repressing the said Offenders, do refuse, he shall forfeit his Copyhold or Lease, only for Term of his Life. The Statute of 3 & 4 *Ed.* 6. *c.* 5. repealed. 1 *Eliz.* *c.* 16. EXP.

No. 21.

4 and 5 Philip and Mary, c. 4.—An Act that Accessaries in Murder and divers Felonies shall not have the Benefit of Clergy.

[Extends to certain Cases of Arson.—See the Act, ante, Cl. IV.]

No. 22.

1 Elizabeth, c. 16.—The Statute made Anno 1 Mar. Sess. 2. c. 12. against unlawful and rebellious Assemblies, shall be continued during the Queen's Life, and until the End of the Parliament then next following. EXP.

No. 23.

13 Charles II. c. 5.—An Act against Tumults and Disorders, upon Pretence of preparing or presenting public Petitions, or other Addresses to his Majesty or the Parliament.

[Inserted Class II. No 35.]

No. 24.

22 and 23 Charles II. c. 1.—An Act to prevent malicious Maiming and Wounding.

No. 24. 22 and 23 Charles II. c. 1.

'WHEREAS upon the one and twentieth Day of *December*, in the Year of our Lord one thousand six 'hundred and seventy, a violent and inhuman Attempt was 'made upon the Person of Sir *John Coventry*, Knight of the 'Honourable Order of the Bath, being a Member of the Com- 'mons House of Parliament, and then attending the Parlia- 'ment, and upon the Person of his Servant *William Wylkes*, 'by a considerable Number of armed Men, both on Foot and 'Horseback, whereby the said Sir *John Coventry* and his said 'Servant then lost several Goods; and the said Sir *John Coventry* 'received divers Wounds, some of which were given him in

'such barbarous Manner, that some of the Offenders held him 'whilst others wounded him. (1.)

No. 24. 22 and 23 Charles II, c. 1.

'II. And whereas by several Bills of Indictment found 'by the Grand Jury for the City and Liberty of *Westminster*, 'where the said Facts were committed, Sir *Thomas Sandys* 'Knight, *Charles Obrian* Esquire, *Simon Parry*, and *Miles* '*Reeves*, amongst others, stand indicted of Felony and Rob-'bery for the same, but have fled from Justice, not daring to 'abide a legal Trial:' Be it therefore enacted, &c.

"Sir *Thomas Sandys*, &c. not rendring themselves, shall be "perpetually banished. Adjournment of the Gaol Delivery for "*Middlesex*. Sir *Thomas Sandys*, &c. not rendring them-"selves, &c. shall be adjudged Felons. No Pardon but by "Act of Parliament. A Pardon granted to any one that was "guilty of the Fact, and will make a Discovery of any others "besides those mentioned in the Act.

VII. And for Prevention of the like Mischiefs for the Time to come, be it further enacted by the Authority aforesaid, That if any Person or Persons, from and after the four and twentieth Day of *June*, which shall be in the Year of our Lord God one thousand six hundred seventy and one, on Purpose and of Malice fore-thought, (2.) and by lying in wait, (3.) shall unlawfully cut out or disable the Tongue, put out an Eye,

Malicious Maiming made Felony.

(1.) The History of this Transaction, as related by Burnet, Histy. vol. 1. 269, fo. and adopted almost verbatim by Hume, is, that Sir John Coventry, in a Debate in the House of Commons upon a *Proposal* for taxing Play-houses, had reflected upon the Amours of the King "This was carried with great Indignation to the Court. It was said that this was the first Time that the King was personally reflected upon. If it was passed over, more of the same Kind would follow, and it would *grow* a Practice to talk so. It was therefore thought fit to take such severe Notice of this, that Nobody should dare to talk at that Rate for the future. The Duke of York told me he said all he could to the King to divert him from the Resolution he took; which was, to send some of the Guards and watch in the Streets where Sir John lodged, and leave a Mark upon him." After stating the Particulars of the Violence he adds, "Coventry had his nose so well needled up, that the scar was scarce to be discerned. This (i. e. the Attack, come semble) put the House of Commons in a furious Uproar. They passed a Bill of Banishment against the Actors of it, and put a Clause in it, that it should not be in the King's Power to pardon them."

(2.) It is not necessary that there should be a previous Malice against the Individual wounded—an Attack upon a Stranger is sufficient. See Carroll's Case, 1 East, ch. 7. § 3, 4.

(3.) In Mills's Case, 1783, 1 East, ch. 7. § 5. Leach, Case 130, the Court said, "A Person who intends to do this Kind of Mischief to another, and by deliberately watching an Opportunity, carries that Intention into Execution, may be said to lie in wait on purpose. It is not necessary that he should plant himself in any particular Concealment, and effect the Mischief by rushing from his Lurking-place. If, having formed an Intention to maim, he takes a convenient Opportunity of deliberately doing the Injury, it is a lying in wait, although he do not take any particular Time, or appear to use any extraordinary degree of Preparation to perpetrate the Mischief." In that Case the Prosecutor was passing with his Master's Cart, and was beset by a Gang of Thieves, several of whom cried out, "Damn you, where are your Knives," upon which the Prisoner gave the Wound in question. No other Motive could be assigned for the Outrage, but that the Prosecutor had before detected and beat off some Thieves who had endeavoured to rob his Cart at the same Place. Eyre B. left it to the Jury, with the preceding Observa-

No. 24. 22 and 23 Charles II. c. 1. slit (4.) the Nose, cut off a Nose or Lip, or cut off or disable any Limb or Member of any Subject of his Majesty, with Intention in so doing to maim (5.) or disfigure in any the Manners before-mentioned such his Majesty's Subject; that then and in every such Case the Person or Persons so offending, their Counsellors, Aiders and Abettors, (knowing of, and privy to the Offence as aforesaid) shall be and are hereby declared to be Felons, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Forfeitures. VIII. Provided, That no Attainder of such Felony shall extend to corrupt the Blood, or forfeit the Dower of the Wife, or the Lands, Goods or Chattels of the Offender.

IX. Provided always, and it is hereby declared and enacted, That his Majesty's Royal Assent to this Bill shall not determine this Session of Parliament. (6.)

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tions, Whether the Fact was deliberately and intentionally done, by lying in wait for that Purpose on the Account suggested, or from any other malicious and deliberate Motive; or whether it were a sudden Impulse of Rage, not in the previous contemplation of the Parties? The Prisoner was convicted. In Carrol's Case, ub. sup. the Prisoners followed two Boys who were to rob, declaring they would stab or cut the Nose of the first Man who molested them. Mr. Kerby having detected one of the Boys, Carrol, who was lurking about, came up to them, and after walking backwards and forwards, gives the Wound, saying, "*Damn you, let the Boy go;*" and all the Judges were of Opinion that there was a sufficient lying in wait. But where the Prisoner was detected stealing Turnips, and immediately struck the Prosecutor with an iron Instrument, the Case was held not to be within the Statute; R. *v.* Tickner, Leach. Case 94; 1 E. P. C. ch. 7. § 6. So where the Prisoner, who was at the Head of a Pressgang, pressed the Prosecutor by whom he had been arrested some Time before, saying, "I will be revenged," and the Prosecutor resisted, and was wounded by the Prisoner, who had previously said "*To it, Boys,*" to his Men; R. *v* Murkey, ibid.

(4.) In Carrol's Case, ub. sup. Parker C. B. Gould and Yates J. were of Opinion (dubitant Willes J. and Eyre B.) that the Slitting of the Nose was not confined to any particular Form or Direction; but that any Division of the Flesh or Gristle of the Nose, whether perpendicular or transverse, came within the clear Denomination of a Slit.

(5.) In the well-known Case of Coke and Woodburne, at Suffolk Assises, 8 Geo. I. the Prisoners alledged, by way of Defence, that their Intention was not to maim but to murder, but Lord King held it to be a Question for the Jury, Whether the Means to accomplish the Purpose, and the Consequences of those Means, were not likewise in their Intention and Design; and whether every Blow and Cut were not intended, as well as the Object for which the Prisoners insisted they were given? In the Conference of the Judges on Carrol's Case, Willes J. and Eyre B. expressed some Dissatisfaction with this Case, and thought at least that the Construction ought not to be carried further; 1 East, ch. 7. § 6. And see Williams's Case, Note to 6 Geo. I. c. 23, post.

(6.) Any Offence against this Act seems to be included in the more general Provisions of 43 Geo. III. c. 58. referred to post, and inserted on Account of its Relation to other Subjects, ante, Class IV.

No. 25.

22 and 23 Charles II. c. 7.—An Act to prevent the malicious Burning of Houses, Stacks of Corn and Hay, and killing or maiming of Cattle.

No. 25. 22 and 23 Charles II. c. 7.

Felony, &c. in the Night-time.

'WHEREAS divers lewd and evil-disposed Persons, intending the Ruin and Impoverishment of their Fellow Subjects, have devised, and of late secretly in the Night-time, and at other Times when they think their Deeds are not known, frequently practised, in several Parts of this Kingdom, unlawful and wicked Courses in burning of Ricks and Stacks of Hay, Corn and Grain, destroying of Buildings, Trees, and cutting, maiming, wounding and killing of Horses, Sheep, Beasts, and other Cattle, in Contempt of the Laws, and to the insupportable Wrong and Damage of many of his Majesty's good Subjects:'

II. For Prevention whereof, and Discovery of the Offenders, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by Authority of the same, That where in any Part of this Kingdom any Person or Persons, after the first Day of *March*, in the Year of our Lord one thousand six hundred and seventy, shall in the Night-time maliciously, unlawfully, and willingly burn, or cause to be burnt or destroyed, any Ricks or Stacks of Corn, Hay or Grain, Barns, or other Houses or Buildings or Kilns, or shall in the Night-time maliciously, unlawfully, and willingly kill or destroy any Horses, Sheep, or other Cattle, of any Person or Persons whatsoever; every such Offence shall be adjudged Felony, and the Offenders, and every of them, shall suffer as in Case of Felony. (1.)

Attainder shall not work Corruption of Blood, &c.

III. Provided always, That no Attainder for any the Offences made Felony by virtue of this Act, shall make or work any Corruption of Blood, Loss of Dower, or Disinheritance of Heir or Heirs.

The Party at Liberty to be transported for seven Years.

IV. And be it further enacted and declared, That in case any Person or Persons who shall be convict or attainted of any the Offences made Felony by virtue of this Act as aforesaid, (to avoid Judgment of Death, or Execution thereupon for such his Offence) shall make his Election to be transported beyond the Seas, to any of his Majesty's Plantations; That then the Justices of Assize, *Oyer* and *Terminer*, Gaol Delivery, or Justice of the Peace, before whom such Offender shall be convict or attaint by virtue of this Act, and every of them respectively, shall cause Judgment to be entred against every such Offender, that he be transported beyond the Seas to some of his Majesty's Plantations, in the said Judgment to be particularly

(1.) See Notes to 9 Geo. I. c. 22, post; by which the Offences mentioned in this Statute are made capital in a more general Manner.

No. 25.
22 and 23 Charles II. c. 7.

mentioned and expressed, there to remain for the Space of seven Years; and that in pursuance of the said Judgment, the Sheriff or Sheriffs of the County or City where such Offender shall be so convict or attainted, shall cause the said Offender to be safely conveyed and embarked to be transported as aforesaid; and if any such Offender shall return into this Kingdom before the Expiration of the said seven Years, he shall suffer Death as a Felon, and as if no such Election to be transported had been made by him.

Felony to return before.

Treble Damages for maiming Cattle, throwing down of Inclosures, &c. in the Night-time.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall in the Night-time maliciously, unlawfully, and willingly maim, wound, or otherwise hurt any Horses, Sheep, or other Cattle, whereby the same shall not be killed or utterly destroyed, or shall destroy any Plantations of Trees, or throw down any Inclosures, in Manner aforesaid; That then every such Offender or Offenders shall lose and forfeit unto the Party grieved Treble the Damage which he or they shall thereby sustain; the same to be recovered by Action of Trespass, or upon the Case, to be taken at the Common Law.

Justices Power to enquire of the Offence, and punish the Offenders.

VI. And be it further enacted by the Authority aforesaid, That upon the Complaint and Request of the Party or Parties injured in any such Manner, any three or more Justices of the Peace for the County, Division, City, Town Corporate, or Place where such Offence shall be committed, whereof one to be of the *Quorum*, shall and may, and they are thereunto authorised and required by virtue of this Act, to enquire, as well by the Oaths of twelve lawful Men or more of the same County, as by Examination of Witnesses upon Oath, or by any lawful Ways or Means which to them shall seem meet, of and concerning any the Offences before incurred, and Offenders therein; and in order thereunto, to issue out Warrants, as well for the summoning of Jurors, as for the apprehending of all such Persons, as shall or may be thereof suspected, and to take their Examination touching the same; as also to cause all such other Persons as to them shall seem likely to make Discovery thereof, to appear before them, and to give Information upon Oath, of and concerning their Knowledge of the Premises; so as no Person so to be examined by the said Justices of the Peace, shall be convicted, or in any wise proceeded against, for or by reason of any Offence concerning which he or they shall be so examined as a Witness, and shall upon such his Examination make a true Discovery thereof; And in case any Person or Persons, who by the said Justices be thought likely to make Discovery as aforesaid, shall refuse to appear, or to be examined as a Witness, being duly summoned by the said Justices in pursuance of this Act; it shall and may be lawful for the said Justices of the Peace to commit the Party so refusing, to the Common Gaol for the said County, without Bail or Mainprise, until he shall submit to be examined upon Oath, of and concerning his Knowledge touching the same Offence, or the Offenders by whom the same was committed.

A Witness refusing to appear, shall be committed to prison.

VII. Provided, That no Person who shall be punished for any Offence by virtue of this Act, shall be punished for the same Offence by virtue of any other Act or Law whatsoever; nor shall be questioned for the same, unless he be proceeded against within six Months after the Offence committed.

No. 25. 22 and 23 Charles II. c. 7.

No Person shall be twice punished for this Offence. The Prosecution must be within six Months.

No. 26.

22 and 23 Charles II. c. 11.—An Act to prevent the Delivery up of Merchants' Ships, and for the Increase of good and serviceable Shipping.

[Inserted Pt. III. Cl. II. No. 6.—See Provision, Section XII, against destroying Ships.]

No. 27.

1 Anne, st. 2. c. 9.—An Act for punishing of Accessories to Felonies, and Receivers of stolen Goods, and to prevent the wilful burning and destroying of Ships.

No. 27. 1 Anne, st. 2. c. 9.

'FORASMUCH as the Counsellors and Contrivers of 'Theft and other Felonies, and the Receivers of Goods 'that have been stolen, are the principal Cause of the Com'mission of such Felonies; and as the Law now is no Acces'sory can be convicted or suffer any Punishment where the 'Principal is not attainted, or hath the Benefit of his Clergy;' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twelfth Day of *February*, which shall be in the Year of our Lord one thousand seven hundred and two, if any principal Offender shall be convicted of any Felony, or shall stand mute, or peremptorily challenge above the Number of twenty Persons returned to serve of the Jury, it shall and may be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner, as if such principal Felon had been attainted thereof, notwithstanding any such principal Felon shall be admitted to the Benefit of his Clergy, pardoned, or otherwise delivered before Attainder; and every such Accessory shall suffer the same Punishment, if he or she be convicted, or shall stand mute, or peremptorily challenge above the Number of twenty Persons returned to serve of the Jury, as he or she should have suffered if the Principal had been attainted.

If principal Offender be convicted of Felony, &c. it shall be lawful to proceed against Accessory; who on Conviction shall suffer the same Punishment, &c.

'II. And forasmuch as Buyers and Receivers of stolen 'Goods do oftentimes convey away and conceal the princi'pal Felons, so that they cannot be convicted of such princi'pal Felony, and thereby such Buyers and Receivers have 'escaped all Manner of Punishment, which hath greatly

No. 27.
1 Anne, st. 2 c. 9

'encouraged the buying and receiving of such stolen Goods:' For Remedy whereof, be it enacted by the Authority aforesaid, That from and after the said twelfth Day of *February*, one thousand seven hundred and two, it shall and may be lawful to prosecute and punish every such Person and Persons buying or receiving any stolen Goods, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, although the principal Felon be not before convicted of the said Felony, which shall exempt the Offender from being punished as Accessory, if the Principal shall be afterwards convicted.

Receivers of stolen Goods may be punished, where the principal Felon is not convicted.

Witnesses for Prisoner on Trial for Treason or Felony, shall depose on Oath, in such Manner as the Queen's Witnesses.

III. And be it further enacted by the Authority aforesaid, That from and after the said twelfth Day of *February*, one thousand seven hundred and two, all and every Person and Persons, who shall be produced or appear as a Witness or Witnesses on the Behalf of the Prisoner, upon any Trial for Treason or Felony, before he or she be admitted to depose, or give any Manner of Evidence, shall first take an Oath to depose the Truth, the whole Truth, and nothing but the Truth, in such Manner, as the Witnesses for the Queen are by Law obliged to do; and if convicted of any wilful Perjury in such Evidence, shall suffer all the Punishments, Penalties, Forfeitures, and Disabilities, which by any of the Laws and Statutes of this Realm are and may be inflicted upon Persons convicted of wilful Perjury.

Captain, Master, &c. wilfully casting away or burning, &c any Ship, shall suffer Death.

IV. And for the effectual preventing the wilful casting away, burning, or otherwise destroying, by Masters and Mariners, of Ships under their Charge; Be it enacted by the Authority aforesaid, That if any Captain, Master, Mariner, or other Officer belonging to any Ship, shall, after the said twelfth Day of *February* one thousand seven hundred and two, wilfully cast away, burn, or otherwise destroy the Ship, unto which he belongeth, or procure the same to be done, to the Prejudice of the Owner or Owners thereof, or of any Merchant or Merchants that shall load Goods thereon, he shall suffer Death as a Felon. (1.)

Such Offence committed on the High Seas may be tried in any Shire in England, as by 28 H. 8. c. 15. Person convicted thereof to suffer Death without Benefit of Clergy.

V. And be it further enacted by the Authority aforesaid, That all and every the said Offence and Offences committed on the High Seas, or where the Admiralty hath Jurisdiction, shall be inquired, tried, heard, determined, and judged, in such Shires and Places in the Realm, as shall be limited by the Queen's Commission under the Great Seal of *England*, in such Manner and Form, as in and by an Act made in the twenty-eighth Year of the Reign of the late King *Henry* the Eighth is directed and appointed for the Trial of Pirates; and that all and every Person and Persons, who, from and after the said twelfth Day of *February* one thousand seven hundred and two, shall be convict of any of the said Offence or Offences last mentioned, or shall stand mute, or peremptorily challenge above the Number of twenty Persons returned to serve of the Jury, shall suffer Death without Benefit of Clergy.

(1.) See Stat. 43. Geo. 3. c. 113. post.

No. 28.

9 Anne, c. 16.—An Act to make an Attempt on the Life of a Privy Counsellor, in the Execution of his Office, to be Felony without Benefit of Clergy.

[Inserted Class II. No. 41.]

No. 29.

12 Anne, st. 2. c. 18.—An Act for the Preserving all such Ships and Goods thereof, which shall happen to be forced on Shore, or stranded, upon the Coasts of this Kingdom, or any other of her Majesty's Dominions.

[Inserted Part III. Class 2, No. 8.]

No. 30.

1 George I. c. 5.—An Act for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the Rioters.

No. 30. 1 George I. c. 5.

'WHEREAS of late many rebellious Riots and Tumults have been in divers Parts of this Kingdom, to the Disturbance of the Publick Peace, and the endangering of his Majesty's Person and Government, and the same are yet continued and fomented by Persons disaffected to his Majesty, presuming so to do, for that the Punishments provided by the Laws now in being are not adequate to such heinous Offences; and by such Rioters his Majesty and his Administration have been most maliciously and falsely traduced, with an Intent to raise Divisions, and to alienate the Affections of the People from his Majesty: Therefore for the preventing and suppressing of such Riots and Tumults, and for the more speedy and effectual punishing the Offenders therein;' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, That if any Persons to the Number of twelve or more, being unlawfully, riotously, and tumultuously assembled together, to the Disturbance of the Publick Peace, at any Time after the last Day of *July* in the Year of our Lord one thousand seven hundred and fifteen, and being required or commanded by any one or more Justice or Justices of the Peace, or by the Sheriff of the County, or his Under-Sheriff, or by the Mayor, Bailiff or Bailiffs, or other Head-Officer, or Justice of the Peace of any

Twelve Persons or more, unlawfully assembled, and not dispersing after commanded by one Justice, &c. by Proclamation,

No. 30. 1 George I. c. 5.

City or Town-Corporate, where such Assembly shall be, by Proclamation to be made in the King's Name, in the Form herein after directed, to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business, shall, to the Number of twelve or more (notwithstanding such Proclamation made) unlawfully, riotously, and tumultuously remain or continue together by the Space of one Hour after such Command or Request made by Proclamation, that then such continuing together to the Number of twelve or more, after such Command or Request made by Proclamation, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in Case of Felony without Benefit of Clergy.

adjudged Felons without Benefit of Clergy.

How the Proclamation shall be made.

II. And be it further enacted by the Authority aforesaid, That the Order and Form of the Proclamations that shall be made by the Authority of this Act, shall be as hereafter followeth (that is to say) the Justice of the Peace, or other Person authorized by this Act to make the said Proclamation, shall, among the said Rioters, or as near to them as he can safely come, with a loud Voice command, or cause to be commanded Silence to be, while Proclamation is making, and after that, shall openly and with loud Voice make or cause to be made Proclamation in these Words, or like in Effect:

The Proclamation.

'OUR Sovereign Lord the King chargeth and commandeth 'all Persons, being assembled, immediately to disperse 'themselves, and peaceably to depart to their Habitations, or 'to their lawful Business, upon the Pains contained in the Act 'made in the first Year of King *George*, for preventing Tumults 'and riotous Assemblies.

'*God save the King.*

Justices, &c. to resort to the Place.

And every such Justice and Justices of the Peace, Sheriff, Under-Sheriff, Mayor, Bailiff, and other Head-officer, aforesaid, within the Limits of their respective Jurisdictions, are hereby authorized, impowered and required, on Notice or Knowledge of any such unlawful, riotous, and tumultuous Assembly, to resort to the Place where such unlawful, riotous, and tumultuous Assemblies shall be, of Persons to the Number of twelve or more, and there to make or cause to be made Proclamation in Manner aforesaid.

Persons so assembled and not dispersing within an Hour, to be seized.

III. And be it further enacted by the Authority aforesaid, That if such Persons so unlawfully, riotously, and tumultuously assembled, or twelve or more of them after Proclamation made in Manner aforesaid, shall continue together and not disperse themselves within one Hour, That then it shall and may be lawful to and for every Justice of the Peace, Sheriff, or Under-Sheriff of the County where such Assembly shall be, and also to and for every High or Petty-constable, and other Peace-officer within such County, and also to and for every Mayor, Justice of the Peace, Sheriff, Bailiff, and other Head-officer, High or Petty-constable, and other Peace-officer of any City

No. 30. 1 George I. c. 5.

or Town-corporate where such Assembly shall be, and to and for such other Person and Persons as shall be commanded to be assisting unto any such Justice of the Peace, Sheriff, or Under-Sheriff, Mayor, Bailiff, or other Head-Officer aforesaid (who are hereby authorized and empowered to command all his Majesty's Subjects of Age and Ability to be assisting to them therein) to seize and apprehend, and they are hereby required to seize and apprehend such Persons so unlawfully, riotously and tumultuously continuing together after Proclamation made, as aforesaid, and forthwith to carry the Persons so apprehended before one or more of his Majesty's Justices of the Peace of the County or Place where such Persons shall be so apprehended, in order to their being proceeded against for such their Offences according to Law; and that if the Persons so unlawfully, riotously and tumultuously assembled, or any of them, shall happen to be killed, maimed or hurt, in the dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, by reason of their resisting the Persons so dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, that then every such Justice of the Peace, Sheriff, Under-Sheriff, Mayor, Bailiff, Head-Officer, High or Petty-Constable, or other Peace-Officer, and all and singular Persons, being aiding and assisting to them, or any of them, shall be free, discharged and indemnified, as well against the King's Majesty, his Heirs and Successors, as against all and every other Person and Persons, of, for, or concerning the killing, maiming, or hurting of any such Person or Persons so unlawfully, riotously and tumultuously assembled, that shall happen to be so killed, maimed or hurt as aforesaid.

And if they make Resistance, the Persons killing them, &c. to be indemnified.

IV. And be it further enacted by the Authority aforesaid, That if any Persons unlawfully, riotously and tumultuously assembled together, to the Disturbance of the Publick Peace, shall unlawfully, and with Force demolish or pull down, or begin to demolish or pull down (1.) any Church or Chapel, or any Building for religious Worship certified and registered according to the Statute made in the first Year of the Reign of the late King *William* and Queen *Mary*, intituled, "An Act for exempting their Majesties' Protestant Subjects dissenting from

Pulling down, &c. any Church, &c. Felony, without Benefit of Clergy. 1 W. & M. sess. 1. c. 18.

(1.) It is not necessary that twelve Persons should be concerned in order to constitute this Offence, or to entitle the Party injured to an Action against the Hundred by virtue of Sect. VI. infra; Pritchit *v.* Waldron, 5 T. R. 14. Where Rioters began to break the Windows of a Bakehouse and a Dwelling-house adjoining, and broke the Glass of the Windows, and also the Shutters, in order to compel the Plaintiff to sell his Flour for less than the Value, the Judge told the Jury, "that if they were satisfied that the Mob meant to stop there and proceed no further, it might be too much to say, that it was a Beginning to demolish within the Statute; but that if they thought that the Mob came with an Intention to proceed to further Acts of Demolition, if they could not otherwise effect their Purpose, it was a Beginning to demolish." In the same Case it was held, that breaking open a Lock upon such an Occasion was not a Beginning to demolish; Wilmot *v.* Horton, Doug. 701: and see Notes to Sect. VI. post. As to the Law respecting the several Kinds of Buildings, see Notes to 9 Geo. I. c. 22. post.

No. 30. 1 George I. c. 5.

the Church of *England* from the Penalties of certain Laws," or any Dwelling-house, Barn, Stable, or other Out-house, that then every such demolishing, or pulling down, or beginning to demolish, or pull down, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein (2.) shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy.

Opposing, &c. the making such Proclamation, Felony without Benefit of Clergy.

V. Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons do, or shall, with Force and Arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any Person or Persons that shall begin to proclaim, or go to proclaim according to the Proclamation hereby directed to be made, whereby such Proclamation shall not be made, that then every such opposing, obstructing, letting, hindring or hurting such Person or Persons, so beginning or going to make such Proclamation, as aforesaid, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony, without Benefit of Clergy; and that also every such Person or Persons so being unlawfully, riotously and tumultuously assembled, to the Number of twelve, as aforesaid, or more, to whom Proclamation should or ought to have been made if the same had not been hindred, as aforesaid, shall likewise, in case they or any of them, to the number of twelve or more, shall continue together, and not disperse themselves within one Hour after such Lett or Hindrance so made, having Knowledge of such Lett or Hindrance so made, shall be adjudged Felons, and shall suffer Death as in case of Felony, without Benefit of Clergy.

And Persons so assembled, if the Proclamation be hindred, shall nevertheless suffer as Felons.

VI. And be it further enacted by the Authority aforesaid, That if after the said last Day of *July* one thousand seven hundred and fifteen, any such Church or Chapel, or any such Build-

(2.) In Rex *v.* Royce, 4 Bur. 2073, it was ruled, that Persons present, aiding and abetting, (who are called Principals in the second Degree) were within the Statute; and that it was not necessary in a special Verdict, that the Terms *aiding* and abetting should be used, but that in finding that the Prisoner was present and did encourage and abet the others in beginning to demolish, &c. by *shouting* and using Expressions to excite the others *so to do*; but that he did not with Force begin to demolish or pull down, or do any Act with his own Hands or Person for that Purpose, otherwise than as aforesaid, was a sufficient finding upon a Charge for beginning to demolish. In the Course of his Opinion, Lord Mansfield made the following Observations: "Tenderness ought always to prevail in criminal Cases, so far at least as to take Care that a Man may not suffer otherwise than by due Course of Law, nor have any Hardship done him, or Severity exercised upon him, where the Construction may admit a reasonable Doubt or Difficulty. But Tenderness does not require such a Construction of Words (perhaps not absolutely and perfectly clear and express) as would tend to render the Law nugatory and ineffectual, and destroy or evade the very End and Intention of it; nor does it require of us that we should go into such nice and strained critical Objections as are contrary to the true Meaning and Spirit of it." It had been urged that, according to the Expressions of the Verdict, "that the Defendant abetted by shouting, and incited others *so to do*," the Jury had only found that the Prisoner had incited to shout, and not to demolish.

No. 30. 1 George I. st. 2. c. 5.

ing for religious Worship, or any such Dwelling-house, Barn, Stable, or other Out-house, shall be demolished or pulled down wholly, or in Part, by any Persons so unlawfully, riotously and tumultuously assembled, that then, in case such Church, Chapel, Building for religious Worship, Dwelling-house, Barn, Stable, or Out-house, shall be out of any City or Town, that is either a County of itself, or is not within any Hundred, that then the Inhabitants of the Hundred in which such Damage shall be done, shall be liable to yield Damages to the Person or Persons injured and damnified by such demolishing or pulling down wholly or in Part; (3.) and such Damages shall and may be recovered by Action to be brought in any of his Majesty's Courts of Record at *Westminster*, (wherein no Essoin, Protection, or Wager of Law, or any Imparlance shall be allowed) by the Person or Persons damnified thereby, against any two or more of the Inhabitants of such Hundred, such Action for Damages to any Church or Chapel to be brought in the Name of the Rector, Vicar, or Curate of such Church or Chapel that shall be so damnified, in Trust for applying the Damages to be recovered in rebuilding or repairing such Church or Chapel; and that Judgment being given for the Plaintiff or Plaintiffs in such Action, the Damages so to be recovered shall, at the Request of such Plaintiff or Plaintiffs, his or their Executors or Administrators, be raised and levied on the Inhabitants of such Hundred, and paid to such Plaintiff or Plaintiffs, in such Manner and Form, and by such Ways and Means, as are provided by the Statute made in the seven and twentieth Year of the Reign of Queen *Elizabeth*, for reimbursing the Person or Persons on whom any Money recovered against any Hundred by any Party robbed, shall be levied; (4.) And in case any such Church, Chapel, Building for religious Worship, Dwelling-house, Barn, Stable, or Out-house so damnified, shall be in any City or Town that is either a County of itself, or is not within any Hundred,

How the Damages shall be made good, if any Church, &c. be demolished, &c.

As to Costs in an Action founded on this Clause, see Wils. 91.

27 Eliz. c. 13.

(3.) The Action is not maintainable unless the Rioters are guilty of a Felony within the fourth Section; and upon this Ground, where Rioters, at a general Illumination, broke the Windows, Uprights of the Sashes, and Window Frames, on Account of the House not being illuminated, it was ruled that the Plaintiff could not recover; Reid *v.* Clarke, 7 T. R. 496, supra, in which the Points arise in Actions against the Hundred. For breaking open a detached Building, and throwing Flour into the Street, the Plaintiff is not entitled to recover; Wilmot *v.* Horton, Doug. 701. The Plaintiff is entitled to recover for Furniture, &c. destroyed, or for Damage done to a Garden, forming Part of the same Transaction with the demolishing of the House, though not in Consequence of it; Radcliffe *v.* Eden, Cowp. 485; Hyde *v.* Cogan, Doug. 699; Wilmot *v.* Horton, n. ibid. So for Flour spoiled and destroyed; but not for Flour or other Property stolen, or, what amounts the same Thing, taken away and sold without the Consent of the Owner; Greasley *v.* Higginbotham, 1 East, 636. The Action may be brought by the Trustee for existing Purposes, or (come semble) by a Trustee of a satisfied Term; Pritchitt *v.* Waldron, 5 T. R. 14.

(4.) For Actions against the Hundred generally, see Pt. IV. Cl. XXI. The Action on this Act is not, by Reference to the Statute of Eliz., limited to a Year; and there is no Restriction with respect to Time; Rushforth *v.* Beatson, Exch. 1 Price, 343.

No. 30. 1 George I. st. 1. c. 5.

that then such Damages shall and may be recovered by Action to be brought in Manner aforesaid (wherein no Essoin, Protection or Wager of Law, or any Imparlance shall be allowed) against two or more Inhabitants of such City or Town; and Judgment being given for the Plaintiff or Plaintiffs in such Action, the Damages so to be recovered shall, at the Request of such Plaintiff or Plaintiffs, his or their Executors or Administrators, made to the Justices of the Peace of such City or Town, at any Quarter-Sessions to be holden for the said City or Town, be raised and levied on the Inhabitants of such City or Town, and paid to such Plaintiff or Plaintiffs, in such Manner and Form, and by such Ways and Means, as are provided by the said Statute made in the seven and twentieth Year of the Reign of Queen *Elizabeth*, for reimbursing the Person or Persons on whom any Money recovered against any Hundred by any Party robbed, shall be levied.

Act to be read at Quarter-Session &c.

VII. And be it further enacted by the Authority aforesaid, That this Act shall be openly read at every Quarter-Sessions, and at every Leet or Law-day.

Prosecution within twelve Months.

VIII. Provided always, That no Person or Persons shall be prosecuted by virtue of this Act, for any Offence or Offences committed contrary to the same, unless such Prosecution be commenced within twelve Months after the Offence committed.

Sheriffs, &c. in Scotland to have the same Power as Justices, &c. have in England

IX. And be it further enacted by the Authority aforesaid, That the Sheriffs and their Deputies, Stewarts and their Deputies, Bailies of Regalities and their Deputies, Magistrates of Royal Boroughs, and all other inferior Judges and Magistrates, and also all High and Petty-constables, or other Peace-officers of any County, Stewartry, City or Town, within that Part of *Great Britain* called *Scotland*, shall have the same Powers and Authority for putting this present Act in Execution within *Scotland* as the Justices of the Peace and other Magistrates aforesaid, respectively have by virtue of this Act, within and for the other Parts of this Kingdom; and that all and every Person and Persons who shall at any Time be convicted of any the Offences aforementioned, within that Part of *Great Britain* called *Scotland*, shall for every such Offence incur and suffer the Pain of Death, and Confiscation of Moveables: And also, that all Prosecutions for repairing the Damages of any Church or Chapel, or any Building for religious Worship, or any Dwelling-house, Barn, Stable, or Out-house, which shall be demolished or pulled down in whole or in part, within *Scotland*, by any Persons unlawfully, riotously or tumultuously assembled, shall and may be recovered by summar Action, at the Instance of the Party aggrieved, his or her Heirs, or Executors, against the County, Stewartry, City or Borough, respectively, where such Disorders shall happen, the Magistrates being summoned in the ordinary Form, and the several Counties and Stewartries called by edictal Citation at the Market-cross of the Head-borough of such County or Stew-

Punishment of Persons offending in Scotland.

Damages of any Church &c. pulled down, &c. in Scotland, how to be recovered and of whom.

artry respectively, and that in general, without mentioning their Names and Designations. No. 30. 1 George I. st. 1 c. 5.

X. Provided, and it is hereby declared, That this Act shall extend to all Places for religious Worship, in that Part of *Great Britain* called *Scotland*, which are tolerated by Law, and where his Majesty King *George*, the Prince and Princess of *Wales*, and their Issue, are prayed for in express Words. To what Places in Scotland this Act shall extend

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No. 31.

1 George I. st. 2. c. 25.—An Act to prevent Disturbances by Seamen, and others; and to preserve the Stores belonging to his Majesty's Navy Royal; and also for explaining an Act for the better preventing the Imbezilment of his Majesty's Stores of War, and preventing Cheats, Frauds and Abuses in paying Seamen's Wages; and for reviving and continuing an Act for the more effectual Suppression of Piracy.

[See post, Class X.]

No. 32.

1 George I. st. 2. c. 48.—An Act to encourage the Planting of Timber-Trees, Fruit-Trees, and other Trees, for Ornament, Shelter, or Profit; and for the better Preservation of the same; and for the preventing the Burning of Woods.

[Inserted Pt. VI. Cl. XL. No. 5.]

No. 33.

6 George I. c. 16.—An Act to explain and amend an Act passed in the first Year of his Majesty's Reign, intituled, "An Act to encourage the Planting of Timber-Trees, Fruit-Trees, and other Trees, for Ornament, Shelter or Profit, and for the better Preservation of the same, and for the preventing the burning of Woods," and for the better Preservation of the Fences of such Woods.

[Inserted Pt. VI. Cl. XL. No. 6.]

No. 34.

P. 6 George I. c. 23.—An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons.

No. 34. 6 George I. c. 23. After June 24, 1720, assaulting any Person in the Streets, &c. to tear their Cloaths, &c. shall be guilty of Felony, and may be transported for seven Years.

XI. AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time or Times, from and after the twenty-fourth Day of *June* in the Year of our Lord one thousand seven hundred and twenty, wilfully and maliciously assault any Person or Persons in the publick Streets or Highways, with an Intent to tear, spoil, cut, burn or deface, and shall tear, spoil, cut, burn or deface the Garments or Cloaths of such Person or Persons, that then all and every Person and Persons so offending, being thereof lawfully convicted, shall be and be adjudged to be guilty of Felony; and every such Felon and Felons shall be subject, and liable to the like Pains and Penalties as in case of Felony; and the Courts by and before whom he, she or they shall be tried, shall have full Power and Authority of transporting such Felons for the Space of seven Years, upon the like Terms and Conditions as are given, directed or enacted by this or the before recited Act. (1.)

(1.) In Rex *v.* Williams, 1790, the Prisoner, (who from having made various Assaults on Females in the Streets of London, with a sharp Instrument, had excited considerable Terror, and was the Subject of general Conversation by the Name of the Monster) being indicted on this Act, and it appearing that he had cut and severely wounded the Prosecutrix, and made a Rent in her Cloaths, Buller J was of Opinion, that the Case was within the Act, on the Ground that the Intent was to wound by cutting through the Cloaths, and therefore the Party must have intended to cut the Cloaths, and relied on the Case of Coke and Woodburne, on the Coventry Act, 22 and 23 Charles II. c. 1. (ante, No. 24), but the Majority of the Judges were of a different Opinion, and thought, that to bring the Case within the Act, the primary Intention must be to injure the Cloaths. The Case was ultimately decided upon an Objection to the Indictment, which alledged that the Defendant on the 18th. of January, did assault, with Intent, &c. and on the said 18th. Day of January, did cut, &c. not saying "*at the same time,*" or "*then and there,*" so that it might have been a different Cut on the same Day; 1 East, P. C. ch 8. § 18; Leach, Case 239. The Prisoner was afterwards tried and convicted upon several Indictments for Assaults.

No. 35.

9 George I. c. 22.—An Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of his Majesty's Subjects, and for the more speedy bringing the Offenders to Justice.

No. 35. 9 George I. c. 22.

'WHEREAS several ill-designing and disorderly Persons have of late associated themselves under the Name of *Blacks*, and entred into Confederacies to support

No. [illegible]
9 George I. c. 22.

'and assist one another in stealing and destroying of Deer, 'robbing of Warrens and Fish-Ponds, cutting down Plantations and Trees, and other illegal Practices, and have, in 'great Numbers, armed with Swords, Fire-Arms, and other 'offensive Weapons, several of them with their Faces blacked, 'or in disguised Habits, unlawfully hunted in Forests belonging to his Majesty, and in the *Parks* of divers of his Majesty's Subjects, and destroyed, killed, and carried away 'the Deer, robbed Warrens, Rivers, and Fish-Ponds, and cut 'down Plantations of Trees; and have likewise solicited 'several of his Majesty's Subjects, with promises of Money, 'or other Rewards, to join with them, and have sent Letters 'in fictitious Names, to several Persons, demanding Venison 'and Money, and threatening some great Violence, if such 'their unlawful Demands should be refused, or if they should 'be interrupted in, or prosecuted for such their wicked Practices, and have actually done great Damage to several Persons, who have either refused to comply with such Demands, 'or have endeavoured to bring them to Justice, to the great 'Terror of his Majesty's peaceable Subjects:' For the preventing which wicked and unlawful Practices, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That if any Person or Persons, from and after the first Day of *June* in the Year of our Lord one thousand seven hundred and twenty three, being armed with Swords, Fire-Arms, or other offensive Weapons, and having his or their Faces blacked, or being otherwise disguised, shall appear in any Forest, Chase, Park, Paddock, or Grounds inclosed with any Wall, Pale, or other Fence, wherein any Deer have been or shall be usually kept, or in any Warren or Place where Hares or Conies have been or shall be usually kept, or in any High Road, Open Heath, Common or Down, or shall unlawfully and wilfully hunt, wound, kill, destroy, or steal any red or fallow Deer, or unlawfully rob any Warren or Place where Conies or Hares are usually kept, or shall unlawfully steal or take away any Fish out of any River or Pond; or if any Person or Persons, (1.) from and after the said first Day of *June* shall unlawfully and wilfully hunt, wound, kill, destroy or steal any red or fallow Deer, fed or kept in any Places in any of his Majesty's Forests or Chases, which are or shall be inclosed with Pales, Rails, or other Fences, or in any Park, Paddock, or Grounds inclosed, where Deer have been or shall be usually kept; (2.) or shall unlawfully and maliciously break down the

Persons disguised and in Arms appearing in Forest, &c. and killing Deer, &c., deemed Felons.

(1.) It is agreed that the subsequent Offences are within the Provisions of the Act, whether the Parties be armed and disguised, or not.

(2.) This Provision was held, in Davies' Case, Leach, Case 225, to be repealed by Stat. 16 Geo. III. c. 30, (post, Part VI. Class XIX. No. 44.) which subjects the same Offence, in the first Instance, to pecuniary Pen

No. 35. 9 George I. c. 22.

Head or Mound of any Fish-pond, whereby the Fish shall be lost or destroyed, or shall unlawfully and maliciously kill, maim or wound any Cattle, (3.) or cut down or otherwise destroy any Trees (4.) planted in any Avenue, or growing in any Garden, Orchard or Plantation, for Ornament, Shelter or Profit; or shall (5.) set Fire to any House, (6.) Barn (7.) or

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ties, and in the second, to Transportation. By 42 Geo III. c. 107. post, Part VI. Class XIX. No. 47. it is made a transportable Felony in the first Instance.

(3.) An Indictment for killing a Horse, Mare, &c. is sufficient within this Clause, without averring them to be Cattle; Paty's Case, 2 Bl. Rep. 721. The Offence must be committed from Malice towards the Owner. The wounding a Cow, with Intent to commit Bestiality, is not within the Act; Pearce's Case, Leach, Case 237: nor a wounding a Horse out of Malice or Passion towards the Animal; Hone's Case, note, ibid.; Shepherd's Case, Leach, Case 243. So cutting the Legs of Sheep that broke over an Inclosure; E. P. C. 1073. But it is not necessary to prove a previous existing Case against the Owner; the Fact of Malice being a Question for the Jury; Ranger's Case, 1798. See E. P. C. c. 22. § 16. In a late Case of the King and Dawson, at Cambridge Assizes, the Prisoner was convicted and executed for destroying Race Horses at Newmarket, by putting Poison into their watering Troughs, for the Purpose of preventing their running.

(4.) For other Provisions respecting the Destruction of Trees, see Part VI. Class XI.

(5.) The Words "unlawfully and maliciously" are here omitted; but Q. whether they are not necessary in an Indictment? Minton's Case, E. P. C. c. 21. § 5.—In an Action against the Hundred, it is sufficient to alledge the Act to have been done feloniously, without adding "unlawfully and maliciously;" Allen v. Hundred of Kirton, 3 Wils. 318, 2 Black. Rep. 842. Setting fire to Paper in a Building, with Intent to burn the Building, unless there is an actual Burning of the Building, or some Part of it, does not amount to Arson; Taylor's Case, Leach, Case 25. The Burning a House, or the Outbuildings forming parcel thereof, or a Barn with Corn or Hay, is Felony at Common Law; and the Statutes only take away the Benefit of Clergy; 1 Hale, 567.

(6.) A common Gaol is a House within the Meaning of the Act. In the different Counts of the Indictment it was described as the House of the Gaoler, of the Corporation to which it belonged, and of the Person whom the Gaoler suffered to live in the Dwelling-house forming part of the Building; Donovan's Case, 1770, Leach, Case 37. At Common Law, and under this Statute, the Burning must be of the House, &c. of another to constitute Arson; and the Burning by a Tenant for Years, (R. v. Holmes, Cro. Car. 376, W. Jones, 351, Pedley's Case, 1 Leach, Case 122, Breeme's Case, Leach, Case 109,) or a Mortgagor in Possession, Leach, Case 218, is not sufficient. Secus as to a Woman merely entitled to Dower, not assigned; Foster, 113; or a Pauper put into a House, to live therein with his Family, by the Parish Officers; Gowen's Case, E. P. C. 1037: but by Stat. 43 Geo. III. c. 58. (referred to post, inserted ante, Class IV.) a Person setting fire to his own House, with Intent to injure or defraud, is guilty of a capital Offence. If a Person had set fire to his own House, with Intent to defraud the Insurance, and the House of another was burnt, it was Felony at Common Law, and within the present Statute and 4 and 5 Philip and Mary, c. 4.

(7.) If the Indictment charge the setting fire to a Barn in the Night-time, (which is requisite to constitute a Felony under Stat. 22 and 23 Car. II. c. 7.) the Proof of the Act being done in the Night-time is not necessary; that Fact being on this Statute immaterial; Minton's Case, E. P. C. ch. 21. § 5.

Out-house, (8.) or to any Hovel, Cock, Mow, or Stack (9.) of Corn, Straw, Hay or Wood; or shall wilfully (10.) and maliciously (11.) shoot at (12.) any Person in any Dwelling-house, or other Place; (13.) or shall knowingly send (14.) any

No. 35. 9 George I c. 22.

(8.) The Indictment may be for setting fire to an Outhouse, although the Building is so connected with the Dwelling-house as to form part of it in point of Law, being a detached Building in the same Yard; North's Case, E. P. C. ch. 21. § 5.

(9.) The Prisoner was bailed upon a Commitment for setting fire to a Parcel of unthrashed Wheat, as not being Felony within the Statute; Judd's Case, 2 T. R. 255.

(10.) The Indictment must charge the Offence to be committed *wilfully and maliciously*, as well as feloniously; R. *v.* Davies, 1 E. P. C. ch. 8. § 8.

(11.) The Offence, to come within this Statute, must be committed under such Circumstances as would amount to Murder if Death had ensued; 4 Bl. Com. 207; Gastineaux's Case, E. P. C. ch. 8. § 6.

(12.) The Shooting in the Dark, in a different Direction from that in which the Person intended to be shot at is going, is not within the Act; Empson's Case, E. P. C. ch. 8. § 6. Where several were riotously assembled, and attacked a House with loaded Guns, and one shot at A. B.; on the others being present, it was ruled that they were all guilty as Principals, and they were executed; the Coalheavers' Case, Leach, Case 35 R. acc. by all the Judges in Wells's Case, E. P. C. ch. 8. § 7. In that Case the Prisoner was charged in one Count as shooting, in another as aiding and abetting. In Rex *v.* Gibson and two others, upon an Indictment against them for shooting, it was moved in Arrest of Judgment, that three could not be guilty of the same Act of shooting. Eyre B., in the Conference of the Judges, said they might, if a String were tied to a Trigger, and they all pulled it. No Judgment was given; (the only Prisoner found guilty having been convicted of another capital Offence) and the Profession would have suffered no Loss if this childish Conceit had never been recorded. If it is settled, that under a Charge for doing an Act, a Person may be convicted for acting as Principal in the second Degree, there is no Inconsistency in alledging an Act to be done by several, which could, in its immediate Operation, be only committed by one; and the legal Construction of the Averment is only that they had done such Acts as subjected them to be punished as Principals in the Offence. Upon this Ground, in a Case at Chester Spring Assizes, 1813, a Motion in Arrest of Judgment was overruled, upon an Indictment charging three Persons jointly with the Commission of a Rape. The Execution was respited, probably with a View to enable the learned Judges to consult other Authorities on the Accuracy of their Opinion; and the Prisoners were afterwards executed.

See further, as to the Offence of Shooting, &c. Stat. 43 Geo. III. c. 58. inserted ante, Class IV.

(13.) In Durore's Case, Leach, Case 171, a Mistake in the Name of the Person in whose House the Offence was said to be committed, was held to be fatal, although the Averment of a particular Place might not have been necessary. But Q. if the Variance would now be held material. A Mistake in the Name of a Person in whose House a Robbery is alledged to be committed is not material; Pye's Case and Johnstone's Case; 2 E. P. C. 786.

A Person shooting in his own House is within the Act; R. *v.* Harris, 1 E. P. C. 415. It is said in Leach, 4th. Edt., n. to Durore's Case, supra, that in Harris's Case the Name was wrong stated.

(14.) A Person carrying or delivering a Letter is not within the Act. Where the Wife wrote the Letter, which was delivered by the Husband, who was privy to the Contents—ruled that neither could be found guilty; Hammond's Case, Leach, c. 206. The putting a Letter in a Place where it is likely to be seen and read by the Person for whom it is intended; or to be found by some other Person who will forward it to him, seems to be a sufficient sending; vi. E. P. C. ch. 23. § 5. Note. Sending by the Post also seems sufficient; ibid. § 4. It does not seem necessary to aver, that the Letter was sent *to* the Person to whom it is directed; Lloyd's Case, ibid. § 5.

No. 55.
9 George I.
c. 22.
Sending Letters without a Name, &c., and demanding Money, &c., Felony.

Letter (15.) without any Name subscribed thereto, (16.) or signed with a fictitious Name, demanding (17.) Money, Venison, or other valuable Thing; (18.) or shall forcibly rescue any Person being lawfully in Custody of any Officer or other Person, for any the Offences before mentioned; or if any Person or Persons shall, by Gift or Promise of Money, or other Reward, procure any of his Majesty's Subjects to join him or them in any such unlawful Act; every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

'II. And whereas notwithstanding the Laws now in 'Force against the illegal Practices above mentioned, and his 'Majesty's Royal Proclamation on the second day of *February* 'which was in the Year of our Lord one thousand seven hun- 'dred and twenty-two, notifying the same, many wicked and 'evil-disposed Persons have, in open Defiance thereof, been

(15.) The Contents of the Letter must be set out in the Indictment; Lloyd's Case, E. P. C. ch. 23. § 5.

(16.) A Letter without a Name, in the Prisoner's common Hand Writing, sent to a Person acquainted with the Character of such Writing, and from the Contents plainly shewing who was the Writer, so that there was no Intention of Concealment, ruled not to be within the Act; Heming's Case, E. P. C. ch. 23. § 2

(17.) See Robinson's Case, E. P. C. ch. 23 § 2. Leach, Ca. 294, as to what Kind of a Letter shall amount to a Demand. The Letter in Question contained Terms of Request, and intimated a Threat to publish a Libel, charging the Prosecutor with Murder, if the Request was not complied with, (which Intention was found by the Jury,) and the Case was ruled to be within the Act: other Letters from the Prisoner, previous to the one upon which the Indictment was framed, were admitted in Evidence, explaining the Letter in Question.

(18.) In Robinson's Case, Leach, Ca. 294. ch. 23. § 2, it was objected, that a Bank Note was not a valuable Thing within the Meaning of the Act, because at the Time when the Act was passed it could not be the Subject of Larceny. Buller J. in delivering the Judgment, said, "that the Judges were all of Opinion, that if the Thing demanded be valuable at the Time that the Demand is made, that is sufficient, though the Thing demanded did not exist, or the Value of it was not known when the Statute was made. But in Truth it was a valuable Thing at the Time when the Statute was made, although it might not come under the Denomination of Goods and Chattels, or be the Subject of Larceny, for it was Evidence of a Debt: it might at any Time be turned into Cash, and was, to the Owner, of the Value of the Money for which it was given." In Bernard's Case, for sending a threatening Letter to the Duke of Marlborough, which at the Time excited great public Attention, the Charge in the Indictment was for demanding a valuable Thing, to wit, *a genteel Subsistence for Life.* The Prisoner was acquitted upon the Merits, and the Validity of the Indictment did not come directly in Question. The Indictment in that Case would be now held bad, for not setting out the Letter. See State Trials, fo. Vol. X. p. 447—8vo. Vol. XIX. p. 815. See further, as to threatening Letters, Statutes 27 Geo. II. c. 15, infra, 30 Geo. II. c. 24. post, Cl. XI. The latter Statute, subjecting Persons sending Letters with Intent to extort Money, &c. to Punishment as for a Misdemeanour, does not repeal this Act, as in the one Case there must be a Demand, in the other only an Intent; and if there is a Demand, the Judges were of Opinion in Robinson's Case, ub. supr. that the Party cannot be convicted of a Misdemeanour: but this can only apply to such Cases as are Felony by 9 Geo. I.

'guilty of several of the Offences before mentioned, to the 'great Disturbance of the publick Peace, and Damage of 'divers of his Majesty's good Subjects.' It is hereby enacted by the Authority aforesaid, That all and every Person and Persons who since the second Day of *February* in the Year of our Lord one thousand seven hundred and twenty-two have committed or been guilty of any of the Offences aforesaid, who shall not surrender him, her, or themselves, before the twenty-fourth Day of *July* in the Year of our Lord one thousand seven hundred and twenty-three, to any of the Justices of his Majesty's Court of King's Bench, or to any one of his Majesty's Justices of the Peace, in and for the County where he, she, or they did commit such Offence or Offences, and voluntarily make a full Confession thereof to such Justice, and a true Discovery upon his, her, or their Oath or Oaths, of the Persons who were his, her, or their Accomplices in any of the said Offences, by giving a true Account of their Names, Occupations, and Places of Abode, and to the best of his, her, or their Knowledge or Belief, discover where they may be found, in order to be brought to Justice, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

No. 35. 9 George I. c. 22.

Such Persons when to surrender themselves, &c.

III. Provided nevertheless, That all and every Person and Persons, who have been guilty of any the Offences aforesaid, and shall not be in lawful Custody for such Offence on the said first Day of *June*, and shall surrender him, her, or themselves, on or before the said twenty-fourth Day of *July* as aforesaid, and shall make such Confession and Discovery as aforesaid, shall by virtue of this Act be pardoned, acquitted and discharged of and from the Offences so by him, her, or them confessed as aforesaid; any Thing herein contained to the contrary in any wise notwithstanding.

Who intitled to a Pardon.

IV. And for the more easy and speedy bringing the Offenders against this Act to Justice, Be it further enacted by the Authority aforesaid, That if any Person or Persons shall be charged with being guilty of any of the Offences aforesaid, before any two or more of his Majesty's Justices of the Peace of the County where such Offence or Offences were or shall be committed, by Information of one or more credible Person or Persons upon Oath by him or them to be subscribed; such Justices before whom such Information shall be made as aforesaid, shall forthwith certify under their Hands and Seals, and return such Information to one of the Principal Secretaries of State of his Majesty, his Heirs or Successors, who is hereby required to lay the same, as soon as conveniently may be, before his Majesty, his Heirs or Successors, in his or their Privy Council; whereupon it shall and may be lawful for his Majesty, his Heirs or Successors, to make his or their Order in his or their said Privy Council, thereby requiring and commanding such Offender or Offenders to surrender him or themselves, within the Space of forty Days, to any of his Majesty's Justices of the

Justices to return Information to a Secretary of State, who is to lay the same before the King and Council, who may make an Order for their Surrender.

No. 35.
9 George I. c. 21.

Court of King's Bench, or to any one of his Majesty's Justices of the Peace, to the End that he or they may be forthcoming, to answer the Offence or Offences wherewith he or they shall so stand charged, according to the due Course of Law; which Order shall be printed and published in the next *London Gazette*, and shall be forthwith transmitted to the Sheriff of the County where the Offence shall be committed, and shall, within six Days after the Receipt thereof, be proclaimed by him, or his Officers, between the Hours of ten in the Morning, and two in the Afternoon, in the Market-Places, upon the respective Market Days of two Market-Towns in the same County, near the Place where such Offence shall have been committed; and a true Copy of such Order shall be affixed upon some publick Place in such Market-Towns; and in case such Offender or Offenders shall not surrender him or themselves pursuant to such Order of his Majesty, his Heirs or Successors, to be made in Council as aforesaid, he or they, so neglecting or refusing to surrender him or themselves as aforesaid, shall, from the Day appointed for his or their Surrender as aforesaid, be adjudged, deemed and taken to be convicted and attainted of Felony, and shall suffer Pains of Death as in case of a Person convicted and attainted by Verdict and Judgment of Felony, without Benefit of Clergy; and that it shall be lawful to and for the Court of King's Bench, or the Justices of *Oyer* and *Terminer*, or General Gaol-Delivery for the County, where the Offence is sworn in such Information to have been committed, upon producing to them such Order in Council, under Seal of the said Council, to award Execution against such Offender and Offenders, in such Manner, as if he or they had been convicted and attainted in the said Court of King's Bench, or before such Justices of *Oyer* and *Terminer*, or General Gaol-Delivery respectively.

Persons not surrendering themselves pursuant to such Order, deemed to be convicted, &c.

V. And be it enacted by the Authority aforesaid, That all and every Person and Persons, who shall, after the Time appointed as aforesaid, for the Surrender of any Person or Persons, so charged upon Oath with any the Offences aforesaid, be expired, conceal, aid, abet or succour, such Person or Persons, knowing him or them to have been so charged as aforesaid, and to have been required to surrender him or themselves, by such Order or Orders as aforesaid, being lawfully convicted thereof, shall be guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Persons abetting them, &c. deemed Felons.

VI. Provided neverthelees, and it is hereby declared and enacted, That nothing herein contained shall be construed to prevent or hinder any Judge, Justice of the Peace, Magistrate, Officer, or Minister of Justice whatsoever, from taking, apprehending and securing, such Offender or Offenders, against whom such Information shall be given, and for requiring whose Surrender such Order in Council shall be made as aforesaid by the ordinary Course of Law; and in case such Offender or Offenders, against whom such Information, and

Offenders apprehended within

No. 35. 9 George I. c. 22.

for requiring whose Surrender such Order in Council shall be made as aforesaid, shall be taken and secured in order to be brought to Justice before the Time shall be expired, within which he or they shall be required to surrender him or themselves, by such Order in Council as aforesaid, that then in such Case no further Proceeding shall be had upon such Order made in Council against him or them so taken and secured as aforesaid, but he or they shall be brought to Trial by due Course of Law; any Thing herein before contained to the contrary in any wise notwithstanding.

the Time limited by Order of Council, shall be tried according to Law.

VII. And be it enacted by the Authority aforesaid, That from and after the first Day of *June* one thousand seven hundred and twenty-three, the Inhabitants of every Hundred, within that Part of the Kingdom of *Great Britain* called *England*, shall make full Satisfaction and Amends to all and every the Person and Persons, their Executors and Administrators, for the Damages they shall have sustained or suffered by the killing or maiming of any Cattle, cutting down or destroying any Trees, (19.) or setting Fire to any House, Barn, or Out-house, (20.) Hovel, Cock, Mow, or Stack of Corn, Straw, Hay or Wood, which shall be committed or done by any Offender or Offenders against this Act; and that every Person and Persons, who shall sustain Damages by any of the Offences last mentioned, shall be and are hereby enabled to sue for and recover such his or their Damages, the Sum to be recovered not exceeding the Sum of two hundred Pounds, (21.) against the Inhabitants of the said Hundred, who by this Act shall be made liable to answer all or any Part thereof; and that if such Person or Persons shall recover in such Action, and sue Execution against any of such Inhabitants, all other the Inhabitants of the Hundred, who by this Act shall be made liable to all or any Part of the said Damage, shall be rateably and proportionably taxed, for and towards an equal Contribution for the Relief of such Inhabitant, against whom such Execution shall be had and levied; which Tax shall be made, levied and raised by such Ways and Means, and in such Manner and Form, as is prescribed and mentioned for the levying and raising Damages recovered against Inhabitants of Hundreds in Cases of Robberies in and by an Act, intituled "An Act for the following Hue and Cry," made in the twenty-seventh Year of the Reign of Queen *Elizabeth*. (22.)

Hundred chargeable for Damage sustained in maiming Cattle, &c.

VIII. Provided nevertheless, That no Person or Persons shall be enabled to recover any Damages by Virtue of this Act,

Persons injured to give Notice

(19.) With respect to Trees, the Plaintiff may, by 29 Geo. II. c. 36. § 9, elect to sue on this Act, or to sue the Parish, by virtue of Stat. 1 Geo. I. c. 8, and 6 Geo I. c 16.

(20.) A Mill-house is not within the Act; but see 41 Geo. III. c. 24, ante, Part IV. Cl. XXI.

(21.) The Plaintiff is entitled to Costs, although with the Damages they exceed £200; Johnson v. Inhabitants of Caleswor th, 1 T. R. 71.

(22.) See Part IV. Class XXI.

No. 35. 9 George I. c. 22.

within two Days after the Offence committed.

unless he or they by themselves, or by their Servants, within two Days (23.) after such Damage or Injury done him or them by any such Offender or Offenders as aforesaid, shall give Notice of such Offence done and committed unto some of the Inhabitants of some Town, Village or Hamlet, (24.) near unto the Place where any such Fact shall be committed, and shall, within four Days after such Notice, give in his, her, or their Examination upon Oath, or the Examination upon Oath, of his, her, or their Servant or Servants, that had the Care of his or their Houses, Out-houses, Corn, Hay, Straw or Wood, before any Justice of the Peace of the County, Liberty or Division, where such Fact shall be committed, inhabiting within the said Hundred where the said Fact shall happen to be committed, or near unto the same, whether he or they do know the Person or Persons that committed such Fact, or any of them; (25.) and if upon such Examination it be confessed, that he or they do know the Person or Persons that committed the said Fact, or any of them, that then he or they so confessing, shall be bound by Recognizance to prosecute such Offender or Offenders by Indictment, or otherwise, according to the Laws of this Realm.

and to be examined within four Days after Notice, touching their Knowledge of the Offenders.

Hundred not liable, if the Offender is convicted within six Months, &c.

IX. Provided also, and be it further enacted by the Authority aforesaid, That where any Offence shall be committed against this Act, and any one of the said Offenders shall be apprehended, and lawfully convicted of such Offence, within the Space of six Months after such Offence committed, no Hundred, or any Inhabitants thereof, shall in any wise be subject or liable to make any Satisfaction to the Party injured, for the Damages he shall have sustained; any Thing in this Act to the contrary notwithstanding.

Action to be commenced within a Year after the Offence.

X. Provided also, That no Person, who shall sustain any Damage by Reason of any Offence to be committed by any Offender contrary to this Act, shall be thereby enabled to sue, or bring any Action against any Inhabitants of any Hundred, where such Offence shall be committed, except the Party or Parties sustaining such Damage shall commence his or their Action or Suit within one Year next after such Offence shall be committed.

Justices may issue Warrants to search for stolen Venison.

XI. And for the better and more effectual Discovery of the Offenders above-mentioned, and bringing them to Justice, Be it enacted by the Authority aforesaid, That it shall and may be

(23.) Both inclusive, semble, Norris *v.* Hundred of Gawtry; Hob. 139; Williams's n. 2 Saund. 378.

(24.) An Averment of Notice to the Inhabitants of a *Parish* is sufficient; but if it had been shewn in Evidence that the Parish consisted of several Vills, and that the Notice was given to one more distant than another, the Defendants would be entitled to a Verdict; Cooke *v.* Hundred of Pimhole, 8 E. 173.

(25.) It is not sufficient to swear that he suspected J. S. without adding that he did not know it; King *v.* Inhbts. Bishops Sutton, 2 Str. 1247; nor that he suspected that the Fact was done by some Person or Persons unknown; much less is such Affidavit sufficient to support an Averment, that he had given in his Examination, by which it appeared that he did not know the Person or Persons committing the Fact; Thintell *v.* Hundred of Mutford, T. E. 400.

lawful to and for any Justice of the Peace, to issue his Warrant to any Constable, Headborough or other Peace-Officer, thereby authorising such Constable, Headborough or other Peace-Officer, to enter into any House, in order to search for Venison stolen or unlawfully taken, contrary to the several Statutes against Deer-stealers, in such Manner, as by the Laws of this Realm such Justice of the Peace may issue his Warrant to search for stolen Goods. No. 35. 9 George I. c. 22.

XII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall apprehend, or cause to be convicted any of the Offenders above mentioned, and shall be killed, or wounded so as to lose an Eye or the Use of any Limb in apprehending or securing, or endeavouring to apprehend or secure any of the Offenders above mentioned, upon Proof thereof made at the General Quarter-Sessions of the Peace for the County, Liberty, Division or Place, where the Offence was or shall be committed, or the Party killed, or receive such Wound, by the Person or Persons so apprehending, and causing the said Offender to be convicted, or the Person or Persons so wounded, or the Executor or Administrators of the Party killed, the Justices of the said Sessions shall give a Certificate thereof to such Person or Persons so wounded, or to the Executors or Administrators of the Person or Persons so killed, by which he or they shall be entitled to receive of the Sheriff of the said County the Sum of fifty Pounds, to be allowed the said Sheriff in passing his Accounts in the Exchequer; which Sum of fifty Pounds the said Sheriff is hereby required to pay within thirty Days from the Day on which the said Certificate shall be produced and shewn to him, under the Penalty of forfeiting the Sum of ten Pounds to the said Person or Persons to whom such Certificate is given, for which said Sum of ten Pounds, as well as the said Sum of fifty Pounds, such Person may and is hereby authorized to bring an Action upon the Case against such Sheriff, as for Money had and received to his or their Use.

Persons killed or wounded in apprehending Offenders, to be rewarded.

'XIII. And whereas the Shortness of the Time within 'which Prosecutions for Offences against the Statute made in 'the third and fourth Years of the Reign of their late Majesties King *William* and Queen *Mary*, intituled, "An Act for 'the more effectual Discovery and Punishment of Deer-steal-'ers," (26.) are limited to be commenced, has been a great 'Encouragement to Offenders;' Be it therefore enacted by the Authority aforesaid, That any Prosecution for any Offence against the said Statute, shall or may be commenced within three Years from the Time of the Offence committed, but not after.

Prosecutions may be commenced within three Months after Offence committed.

XIV. And for the better and more impartial Trial of any Indictment or Information, which shall be found, commenced, or prosecuted for any of the Offences committed against this Act, Be it enacted by the Authority aforesaid, That every Offence that shall be done or committed contrary to this Act,

Such Offences may be tried in any County.

(26.) Repealed 36 Geo. III. c. 30. post, Pt. VI. Cl. XIX. No. 34.

No. 35. 9 George I. c. 22.

shall and may be enquired of, examined, tried and determined in any County within that Part of the Kingdom of *Great Britain* called *England*, in such Manner and Form, as if the Fact had been therein committed; Provided, That no Attainder for any of the Offences made Felony by Virtue of this Act, shall make or work any Corruption of Blood, Loss of Dower, or Forfeiture of Lands or Tenements, Goods or Chattels.

Attainder not to work Corruption of Blood, &c.

This Act where to be read.

XV. And be it further enacted by the Authority aforesaid, That this Act shall be openly read at every Quarter-Sessions, and at every Leet or Law-Day.

XVI. And be it further enacted by the Authority aforesaid, That this Act shall continue in Force from the first Day of *June* one thousand seven hundred and twenty-three, for the Space of three Years, and from thence to the End of the then next Session of Parliament, and no longer. [Made perpetual by 31 Geo. II. c. 42.]

XVII. And be it further enacted by the Authority aforesaid, That if any Venison, or Skin of any Deer, shall be found in the Custody of any Person or Persons, and it shall appear that such Person or Persons bought such Venison or Skin of any one, who might be justly suspected to have unlawfully come by the same, and does not produce the Party of whom he bought it, or prove upon Oath the Name and Place of Abode of such Party, that then the Person or Persons who bought the same, shall be convicted of such Offence, by any one or more Justice or Justices of the Peace, and shall be subject to the Penalties inflicted for killing a Deer, in and by the Statute made in the third and fourth Year of the Reign of their late Majesties King *William* and Queen *Mary*, intituled, "An Act for the more effectual Discovery and Punishment of Deer-stealers."

3 & 4 W. and M. c. 10.

No. 36.

1 George II. st. 2. c. 19.—An Act for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes for repairing Highways, or Locks or other Works, erected by Authority of Parliament, for making Rivers navigable.*

No. 36. 1 George I st. 2. c. 19.

'WHEREAS several ill designing and disorderly Persons 'have in several Parts of this Kingdom associated 'themselves together both by Day and Night, and cut down, 'pulled down, burnt, and otherwise destroyed several Turn-'pike Gates and Houses, which have been erected by the Au-'thority of several Acts of Parliament, made for repairing 'divers Roads within this Kingdom, by Tolls taken or to be 'taken at such Turnpikes, and thereby prevented the Toll

* [Vi. 5 George II. c. 33, post.]

No. 36.
1 George II. st. 2. c. 13.

' from being received, which has lessened the Security of divers ' of his Majesty's good Subjects, for considerable Sums of ' Money, which they have advanced or lent on the Credit of ' the said Acts, and deterred others from lending any Money ' on the same, and thereby the said Acts are become ineffectual, ' the Laws now in Force not inflicting any Punishment on such ' Offenders suitable to their Offences; and whereas other evil-' disposed Persons have threatened the pulling down and de-' stroying of Locks, Sluices and Floodgates erected to preserve ' and secure the Navigation of Rivers made navigable pursuant ' to Acts of Parliament for that Purpose;' For preventing such wicked and unlawful Practices for the future, and for rendring the said Acts more effectual; Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons whatsoever, from and after the twenty-fourth Day of *June* in the Year of our Lord one thousand seven hundred and twenty-eight, shall either by Day or Night wilfully and maliciously break down, cut down, pluck up, throw down, level, or otherwise destroy any Turnpike Gate or Turnpike Gates, or any Post or Posts, Rail or Rails, Wall or Walls, or other Fence or Fences, belonging to any such Turnpike Gate or Turnpike Gates, erected or to be erected, to prevent Passengers from passing by without paying the Toll directed to be paid by any Act or Acts of Parliament made or to be made for that Purpose, every and all such Person or Persons so offending, being lawfully convicted thereof, upon the Oath or Oaths of one or more credible Witness or Witnesses, before any two or more Justices of the Peace of the County, Riding, Division, City, Town, Borough or Corporation, wherein any such Offence or Offences shall be committed, or before the Justices of the Peace in open Sessions (who are hereby authorized and impowered summarily and finally to hear and determine the same) shall be sent to the Common Gaol, or else to the House of Correction, there to continue and be kept to hard Labour for the Space of three Months, without Bail or Mainprize; and the said Justices shall also order and adjudge, that such Offender and Offenders shall be, by the Master or Keeper of such Gaol or House of Correction as aforesaid, on the first convenient Market Day, once publickly and openly whipt in such City, Town, Borough or Corporation, wherein or near which such Offence shall be committed, at the Market Cross or Market Place there, between the Hours of eleven and two of the Clock.

If any Person shall break down any Turnpike, he shall be sent to the common Gaol or House of Correction, for 3 Months; Breaking down Turnpikes made Felony by 5 Geo. 2. c. 33.

and be whipt at the Market Cross.

II. And be it further enacted by the Authority aforesaid, That if any such Person or Persons so convicted shall, from and after the said four and twentieth Day of *June*, commit any of the Offences aforesaid a second Time, or if any Person or Persons shall, either by Day or Night, wilfully and maliciously pull down or demolish any House or Houses, erected or to be erected for the Use and Service of any Turnpike Gate or

Convicted a second Time, of demolishing Locks, to be transported for 7 Years.

No. 36. 1 George II. st. 2. c. 19. Turnpike Gates, or shall wilfully and maliciously break down or demolish any *Lock, Sluice, or Floodgate, erected or to be* erected by Authority of Parliament upon any navigable River, for preserving or securing the Navigation thereof, and shall be lawfully convicted of the same respectively, upon Indictment before any of his Majesty's Justices of Assize, *Oyer* and *Terminer*, or general Gaol Delivery for the County, City, Town, Borough or Corporation, where such Offence or Offences respectively shall be committed, every such Person and Persons so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and every such Felon and Felons shall be subject and liable to the like Pains and Penalties, as in Cases of Felony; and the Courts by and before whom such Person or Persons shall be tried, shall and hereby have Power and Authority to transport such Felons for the Space of seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

III. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in Pursuance of this present Act, that in every such Case the Action or Suit shall be commenced within six Months next after the Fact committed, and not afterwards, and shall be laid and brought in such County or Counties, Place or Places, where the Cause of Action shall arise, and not elsewhere; and the Defendant and Defendants in such Action or Suit to be brought,

General Issue. shall and may plead the General Issue Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of the said Act; and if it shall appear so to be done, or that such Action or Suit shall be brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County or Counties, Place or Places, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

To be read, &c. IV. And be it further enacted by the Authority aforesaid, That this Act shall be publickly read at every Quarter Sessions, and at every Leet or Law-Day during the Continuance thereof, and that this Act, and every Part thereof, shall continue in Force for the Term of five Years, and from thence to the End of the then next Session of Parliament, and no longer.

No. 37.

5 George II. c. 33.—An Act to explain, amend and render more effectual an Act passed in the first Year of his present Majesty's Reign, intituled, "An Act for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes for repairing Highways, or Locks or other Works erected by Authority of Parliament for making Rivers navigable."

'WHEREAS an Act of Parliament passed in the first Year of his present Majesty for punishing such Persons as should wilfully and maliciously pull down or destroy Turnpikes(1.) for repairing Highways, or Locks or other Works erected by Authority of Parliament for making Rivers navigable: And whereas the Provisions by the said Act made for punishing such Offenders have by Experience been found to be insufficient:' For Remedy thereof, and for rendring the said Act more effectual, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons whatsoever, from and after the twenty-fourth Day of *June* in the Year of our Lord one thousand seven hundred and thirty-two, shall either by Day or Night wilfully and maliciously break down, cut down, pluck up, throw down, level or otherwise destroy any Turnpike Gate or Turnpike Gates, or any Post or Posts, Rail or Rails, Wall or Walls, or other Fence or Fences belonging to any such Turnpike Gate or Turnpike Gates, erected or to be erected to prevent Passengers from passing by without paying the Toll directed to be paid by any Act or Acts of Parliament already made, or hereafter to be made for that Purpose, and shall be lawfully convicted of the same upon Indictment before any of his Majesty's Justices of Assize, *Oyer* and *Terminer* and General Gaol Delivery for the County, City, Town, Borough or Corporation where such Offence or Offences shall be committed, every such Person and Persons so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and every such Felon and Felons shall be subject and liable to like Pains and Penalties, as in Cases of Felony; and the Courts, by and before whom such Person or Persons shall be tried, shall and hereby have Power and Authority to transport such Felons for the Space of seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

No. 37. 5 George II. c. 33.

1 Geo. 2. st. 2. c. 19. Enforced by 8 Geo. 2. c. 20.

After 24 June 1732 maliciously destroying Turnpikes, Felony.

Transportation.

II. And be it further enacted by the Authority aforesaid, That if such Offender or Offenders shall return into *Great*

Returning from Transportation, Death.

(1.) By 7 Geo. III. c. 40. all former General Provisions relative to Turnpikes were repealed; and 7 Geo. III. (except as to so much as repealed former Acts), is repealed by 13 Geo. III. c. 84. § 86. Pt. VI. Cl. XXII. No. 2.

No. 37. 5 George II. c. 33. *Britain* or *Ireland* before the Expiration of the said Term of seven Years, contrary to the true Intent and Meaning hereof, or of the said Act passed in the first Year of his present Majesty's Reign, intituled, "An Act for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes for repairing Highways, or Locks, or other Works erected by the Authority of Parliament for making Rivers navigable, he or they so returning shall suffer Death as Felons, and have Execution awarded against them as Persons attainted of Felony, without Benefit of Clergy.

1 Geo. 2. st. 2. c. 19. enforced 8 Geo. 2. c. 20.

Charges of Prosecution to be paid out of the Tolls.

III. And be it further enacted by the Authority aforesaid, That the Trustees, Commissioners, Proprietors, Undertakers or other Person or Persons whatsoever authorised or impowered to put in Execution any Act or Acts of Parliament made or to be made for repairing of Highways or making Rivers navigable, shall and may, by and out of the Tolls, Rates and Duties arising by virtue of any such Act or Acts of Parliament, pay and discharge the Costs, Charges and Expences arising or becoming due for or by reason of any Action, Information, Indictment or other Prosecution whatsoever, which shall or may be commenced or prosecuted for or on Account of the pulling down or otherwise destroying any Turnpike Gate, Post, Rail, or other Fence or Fences belonging to any Turnpike Gate, or any Turnpike House or Houses, or any Lock, Sluice, Floodgate or other Works, on any navigable River, erected or to be erected by Authority of Parliament.

Sheriff, by Order of Justices in their General Quarter-Sessions, to remove unwarrantable Turnpikes.

IV. And be it enacted by the Authority aforesaid, That if the Commissioners and Trustees appointed or to be appointed to put any Act of Parliament made or to be made for the Repair of any Highway or Highways in Execution, shall abuse or exceed their Power by erecting or causing to be erected, or continuing or causing to be continued, any Gate or Gates, Turnpike or Turnpikes, where they have not any Power, by virtue of any Act of Parliament, to erect such Gate or Gates, Turnpike or Turnpikes, it shall and may be lawful to and for the Justices of the Peace of the County where any such Gate or Gates, Turnpike or Turnpikes is, are, or shall be erected or continued, in their General Quarter Sessions assembled, upon Complaint of any such Abuse or Excess of Power in such Commissioners and Trustees, in a summary Way to hear and determine the same, and thereupon to order the Sheriff of the County (who is hereby authorized and required to execute such Order) to remove any such Gate or Gates, Turnpike or Turnpikes.

Act 1 Geo. 2. st. 2. c. 19, and this, continued for 5 Years. Made perpetual by 27 Geo. 2. c. 16.

V. And be it further enacted by the Authority aforesaid, That this Act, and also the said Act hereby explained and amended, and every Article, Clause and Sentence therein contained, not altered by this present Act, shall from henceforth continue and be in full Force and Effect for the Term of five Years, to be computed from the twenty-fourth Day of *June* one thousand seven hundred and thirty-two, and from thence to the End of the then next Session of Parliament, and no longer.

No. 38.

6 George II. c 37.—An Act for making perpetual the several Acts therein mentioned, * * * * * * * * * and to prevent the cutting or breaking down the Bank of any River or any Sea Bank; and to prevent the malicious cutting of Hop-binds; and for other purposes. P.

V. AND be it further enacted by the Authority aforesaid, That if any Person or Persons, from and after the twenty-fourth Day of *June* which shall be in the Year of our Lord one thousand seven hundred and thirty-three, and during the Continuance of the last before mentioned Acts, shall unlawfully and maliciously break down or cut down the Bank or Banks of any River, or any Sea Bank, whereby any Lands shall be overflowed or damaged, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

No. 38. 6 George II. c. 37.

Maliciously destroying Banks of Rivers, &c. Felony without Clergy.

VI. And be it further enacted by the Authority aforesaid, That if any Person or Persons, from and after the twenty-fourth Day of *June* one thousand seven hundred and thirty-three, shall (during the Continuance of the before-mentioned Act, intituled, "An Act for the more effectual punishing wicked and evil disposed Persons, going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of his Majesty's Subjects, and for the more speedy bringing the Offenders to Justice") unlawfully and maliciously cut any Hop-binds growing on Poles in any Plantation of Hops, every Person or Persons so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Maliciously cutting Hop-binds, Felony without Clergy. 9 Geo. 1. c. 22. 'Farther continued by 24 Geo. 2. c. 57.'

No. 39.

8 George II. c. 20.—An Act for rendring the Laws more effectual for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes* for repairing Highways, or Locks, or other Works erected by Act of Parliament for making Rivers navigable, and for other Purposes therein mentioned. P.

'WHEREAS an Act of Parliament passed in the first Year of his present Majesty's Reign, "For punishing such Persons as should wilfully and maliciously pull down or destroy Turnpikes for repairing Highways, or Locks, or other Works erected by Authority of Parliament for making Rivers navigable;" and in the fifth Year of his present Majesty's Reign, another Act passed to explain, amend, and

No. 39. 8 George II. c. 20.

1 Geo. 2. c. 19.

5 Geo. 2. c. 33.

* See Note to No. 37, ante.

No. 39. 8 George II. c. 20.

'render more effectual the said Act: And whereas the Provisions made by the said Acts for punishing such Offenders, 'have by Experience been found to be insufficient:' Now for rendring the said Acts more effectual, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons whatsoever, after the fifteenth Day of *May* in the Year of our Lord one thousand seven hundred and thirty-five, shall, either by Day or Night, wilfully or maliciously pull down, pluck up, throw down, level, or otherwise destroy any Turnpike Gate or Turnpike Gates, or any Post or Posts, Rail or Rails, Wall or Walls, or any Chain, Bar, or other Fence or Fences belonging to any such Turnpike Gate or Turnpike Gates, or any other Chain, Bar, or Fence of any Kind whatsoever, set up or erected or hereafter to be set up or erected, to prevent Passengers from passing by without paying any Toll, laid and directed to be paid by any Act or Acts of Parliament already made, or hereafter to be made, for that Purpose, or any House or Houses erected or to be erected for the Use of any such Turnpike Gate or Turnpike Gates, or any other Fence or Fences, or any Lock, Sluice, Flood-gate, or other Works on any navigable River erected, or to be erected by Authority of Parliament; or forcibly rescue any Person or Persons being lawfully in Custody of any Officer or other Person, for any of the Offences before-mentioned; that then and in any of the said Cases, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Persons maliciously destroying Turnpikes, &c.

Locks or Sluices erected by Parliament, or rescuing Persons in Custody for such Offences, to suffer Death.

A Month's Imprisonment on malicious drawing up Flood-gates, &c.

II. And be it further enacted, That if any Person or Persons after the said fifteenth Day of *May* shall wilfully and maliciously draw or pluck up any Flood-gate or Flood-gates, fixed or made in any Wear or Wears, Lock or Locks, erected or made, or hereafter to be erected or made, by Authority of Parliament, in or upon any navigable River for preserving the Navigation thereof; all and every such Person or Persons so offending, being thereof lawfully convicted upon the Oath of one or more credible Witness or Witnesses, before two or more Justice or Justices of the Peace for the County, Riding or Division where any such Offence or Offences shall be committed, or of the adjacent County, Riding or Division, shall be sent to the House of Correction, there to continue and be kept to hard Labour for the Space of one Month.

Offences may be tried in any adjacent County.

III. And for the better and more impartial Trial of any Indictment which shall be found, commenced and prosecuted, for the Offences committed against this Act, Be it enacted by the Authority aforesaid, That every Offence aforesaid that shall be done or committed contrary to this Act, shall and may be enquired of, examined, tried and determined in any adjacent County within that Part of the Kingdom of *Great Bri-*

tain called *England*, in such Manner and Form as if the Fact had been therein committed. No. 39. 8 George II. c. 20.

IV. Provided that no attainder for any of the Offences made Felony by virtue of this Act shall make or work Corruption of Blood, Loss of Dower, or Forfeiture of Lands or Tenements, Goods or Chattels. Attainder on this Act not to work Corruption of Blood, &c.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time after the said fifteenth Day of *May* in the Year of our Lord one thousand seven hundred and thirty-five, commit any of the Offences declared to be Felony by this Act, and being out of Prison, shall discover and apprehend, or cause to be discovered and apprehended, one or more Person or Persons who shall commit any such Offence or Offences declared to be Felony as aforesaid, so as he, she, or they shall be thereof lawfully convicted, every such Person or Persons, on Conviction of the Offender or Offenders so to be apprehended, shall have, and is hereby entitled to his Majesty's most gracious Pardon for the Felonies aforesaid, which he, she, or they shall have committed, at any Time or Times before such Discovery made, which Pardon shall be likewise a good Bar to any Appeal brought or to be brought for any such Felony. Persons discovering and convicting others guilty of the said Felonies shall be pardoned.

VI. And be it further enacted by the Authority aforesaid, That from and after the said fifteenth Day of *May*, the Inhabitants of every Hundred in that Part of the Kingdom of *Great Britain* called *England*, within which such Offence or Offences shall be committed, by pulling down and destroying any Turnpike Gate or Gates, or any Post or Posts, Rail or Rails, Wall or Walls, belonging to any Turnpike Gate or Gates, or any Chain, Bar or Fence, or any House or Houses set up or erected, or to be set up or erected, for the Use or Service of collecting the Tolls, at any Place appointed by the Commissioners, or any five or more of them, acting under any Act or Acts of Parliament enabling them to act as Commissioners for amending any Road or Roads, Highway or Highways, or any Lock, Sluice or Flood-gate, or any Works erected or to be erected by Authority of Parliament, upon any navigable River, for preserving or securing the Navigation thereof, shall make full Satisfaction for the Damages that shall be thereby suffered; and that the said Damages shall and may be recovered by Action of Debt, Bill, Plaint or Information, in any of his Majesty's Courts of Record at *Westminster*, by and in the Name of the Clerk of the Peace of the County for the Time being, wherein such Offence or Offences shall be committed, without naming the Christian Name or Surname of the Clerk of the Peace; and the said Damages so to be recovered, shall be to the only Use and Behoof of the Trustees, Commissioners, Proprietors or Undertakers of any Turnpike or navigable River, to be by them applied and disposed of to the several Uses and Purposes, and in such Manner as the several Tolls, Rates and Duties, by virtue of any Act or Acts of Parliament made or to be made, are or shall be applied and dis- The Hundred to answer the Damages. How to be recovered, and applied.

No. 39. 2 George II. c. 20.

The said Damages not to exceed 20l. for one Offence. The Inhabitants to be rateably taxed, as in Hue and Cry, by 27 Eliz. c. 13.

posed of; the Sum to be recovered against the Inhabitants of such Hundred as shall by this Act be made liable to answer all or Part thereof, not exceeding, for any Offence, the Sum of twenty Pounds; and all and every the Inhabitants of such Hundred shall be rateably and proportionably taxed for and towards an equal Contribution for the Relief of such Inhabitant or Inhabitants, against whom Execution for such Damages shall be had and levied, which Tax shall be levied and raised by such Ways and Means, and in such Manner and Form as is prescribed and mentioned for the levying and raising Damages recovered against the Inhabitants of Hundreds in Cases of Robberies, in and by an Act, intituled, " An Act for the following *Hue* and *Cry*," made in the twenty-seventh Year of the Reign of Queen *Elizabeth*.

On Conviction of one or more Offenders in 12 Months, the Hundred or Inhabitants to be repaid out of the Tolls.

VII. Provided always, and be it further enacted by the Authority aforesaid, That where any Offence shall be committed against this Act, and any one or more of the said Offenders shall be apprehended and lawfully convicted of such Offence within twelve Months next after such Offence shall be committed, any Hundred or Inhabitants thereof, subject or liable to make any Satisfaction for the Damages that shall be sustained by any of the Offences aforesaid, and who shall have made such Satisfaction, shall, upon such Conviction of any one or more of the said Offenders, within the Time aforesaid, be repaid the Sums they have paid for such Satisfaction out of the Tolls of the Turnpike which shall so be pulled down; any Thing herein contained to the contrary notwithstanding.

Actions commenced by a Clerk of the Peace, not to be discontinued on his Death.

VIII. And be it further enacted by the Authority aforesaid, That if any Clerk of the Peace of or in any County within that Part of *Great Britain* called *England*, shall at any Time hereafter commence or prefer any such Action, Bill, Plaint or Information, and shall, after the same so sued, commenced or preferred, happen to die, or be removed out of his Office before Recovery and Execution had, that no such Action, Bill, Plaint or Information, sued, commenced or preferred, shall by such Displacing or Death be abated or discontinued; but it shall and may be lawful to and for the Clerk of the Peace next succeeding in the said County, to prosecute, pursue and follow all and every such Action, Bill, Plaint or Information, so depending for such Damages as shall be sustained by any such Offence or Offences as aforesaid, in such Manner and Form, to all Intents and Purposes, as the Clerk of the Peace might have done, who first preferred the said Action, Bill, Plaint or Information.

No Action for recovering Damages, unless Information made within 6 Days.

IX. Provided nevertheless, That no Action of Debt, Bill, Plaint or Information, shall be had, sued or prosecuted, to recover any Damages by virtue of this Act, unless Information upon Oath shall be made thereof within six Days before some Justice of the Peace of the County, Liberty or Division where such Offence or Offences shall be committed, inhabiting within the said Hundred, or near the same.

X. Provided also, That no Action of Debt, Bill, Plaint or Information, shall be had, sued or prosecuted, to recover any Damages to be sustained by reason of any Offence or Offences to be committed contrary to this Act, against any Inhabitant of any Hundred where such Offence or Offences shall be committed, except such Action or Suit shall be commenced within six Months next after such Offence shall be committed. (1.)

No. 39. 8 George II. c. 20. and the Suit commenced in 6 Months after the Offence.

(1.) The subsequent Sections are repealed by the general Turnpike Act, 13 Geo. III. c. 84.

No. 40.

10 George II. c. 32. — An Act for continuing "An Act for the more effectual punishing wicked and evil disposed Persons, going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of his Majesty's Subjects, and for the more speedy bringing the Offenders to Justice;" and for continuing two Clauses to prevent the cutting or breaking down the Bank of any River, or Sea Bank; and to prevent the malicious cutting of Hop-binds, contained in an Act passed in the sixth Year of his present Majesty's Reign; and for the more effectual Punishment of Persons removing any Materials used for securing Marsh or Sea Walls, or Banks, and of Persons maliciously setting on Fire any Mine, Pit or Delph of Coal, or Cannel Coal, and of Persons unlawfully hunting or taking any Red or Fallow Deer in Forests or Chases, or beating or wounding Keepers, or other Officers, in Forests, Chases, or Parks; and for more effectually securing the Breed of Wildfowl. P.

[I. Preamble, reciting the Acts. 9 Geo. 1. c. 22. 12 Geo. 1. c. 30. 6 Geo. 2. c. 37. 13 and 14 Car. 2. c. 22, continued.]

[II. III. Clauses in the Act 6 Geo. 2. c. 37. § 5. continued.]

IV. AND be it further enacted by the Authority aforesaid, That all the Provisions made in the beforementioned Act of the ninth Year of the Reign of his late Majesty King *George* the First, for the more speedy and easy bringing the Offenders against the said Act to Justice, and the Persons who shall conceal, aid, abet, or succour such Offenders, and for making Satisfaction and Amends to all and every the Person and Persons, their Executors and Administrators, for the Damages they shall have sustained or suffered by any Offender or Offenders against the said Act, and for the Encouragement of Persons to apprehend and secure such Offender and Offenders, and for the better and more impartial Trial of any Indictment or Information which shall be found, com-

No. 40. 10 George II. c. 32. Provisions of 9 Geo. 1. c. 22. in Force, in case of Offence against this Act.

No. 40. 10 George II. c. 32.

menced or prosecuted for any of the Offences committed against the said Act, together with all Restrictions, Limitations and Mitigations by the said Act directed, shall, during the Continuance of the said Act extend to and be of Force and Effect in all Cases of Offences committed by unlawfully and maliciously breaking down or cutting down the Bank or Banks of any River, or any Sea Bank, whereby any Lands shall be overflowed or damaged, or by unlawfully and maliciously cutting any Hop-binds growing on Poles in any Plantation of Hops, or by wilfully and maliciously setting on Fire, or causing to be set on Fire, any Mine, Pit, or Delph of Coal, or Cannel Coal.

[V. Piles, Chalk, &c. used for the Security of Marshes not to be removed, on Forfeiture of 20*l.* to be levied by Distress, or Imprisonment for six Months.*]

Persons setting Mines of Coal on Fire to suffer Death.

VI. And be it further enacted by the Authority aforesaid, That from and after the twenty-fourth Day of *June* one thousand seven hundred and thirty-seven, and during the Continuance of the before-mentioned Act of the ninth Year of the Reign of his late Majesty King *George* the First, if any Person or Persons shall wilfully and maliciously set on Fire, or cause to be set on Fire, any Mine, Pit, or Delph of Coal or Cannel Coal, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

[VII. Persons convicted a second Time of hunting and taking away of Deer out of uninclosed Forests or Chases, to be transported.]

[VIII. Such Offenders how to be tried.]

Persons armed coming into a Forest with an Intention to steal Deer, and beating and wounding the Keepers, to be transported.

IX. And be it further enacted by the Authority aforesaid, That if any Person or Persons armed as aforesaid, shall, at any Time after the twenty-fourth Day of *June* one thousand seven hundred and thirty-seven, and during the Continuance of the said last mentioned Act of the ninth Year of his late Majesty, come into any Forest, Chace, or Park, wherein Deer are usually kept (be the same inclosed or not inclosed) with an Intent to course, hunt, take in Toils, kill, wound, or take away any Red or Fallow Deer, and shall there unlawfully beat or wound any Keeper or Keepers, Page or Pages of any such Forest, Chace, or Park, where Deer are usually kept, their Servants or Assistants, in the Execution of his or their Office or Offices, and be thereof lawfully convicted, every such Person or Persons shall be transported to one of his Majesty's Plantations in *America* for the Space of seven Years, in like Manner as other Offenders may be transported by the Laws now in Force; and if such Person or Persons shall return into any Part of *Great Britain* or *Ireland* within the said seven Years, every such Person and Persons shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

[X. Penalty on taking Wild Fowl in Nets in the Moulting Season.]

* Inserted Pt. VI. Cl. IV.

No. 41.

11 George II. c. 22.—An Act for punishing such Persons as shall do Injuries and Violences to the Persons or Properties of his Majesty's Subjects, with Intent to hinder the Exportation of Corn.

No. 41. 11 George II. c. 22. Preamble.

'WHEREAS many disorderly and evil-minded Persons 'have of late frequently assembled themselves in 'great Numbers, committed great Violences, and done many 'Injuries to the Persons and Properties of his Majesty's Sub- 'jects, with Intent to hinder the Exportation of Corn, whereby 'many of his Majesty's Subjects have been deterred from 'buying of Corn and Grain, and following their lawful Busi- 'ness therein, to their great Loss and Damage, as well as the 'great Damage and Prejudice of the Farmers and Landhol- 'ders of this Kingdom, and of the Nation in general; For the 'better preventing such wicked and disorderly Practices, and 'more easily and effectually bringing such Offenders to con- 'dign Punishment,' Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, from and after the four and twentieth Day of *June*, one thousand seven hundred and thirty-eight, wilfully and maliciously beat, wound, or use any other Violence to or upon any Person or Persons, with Intent to deter or hinder him or them from buying of Corn or Grain in any Market or other Place within this Kingdom; or shall unlawfully stop or seize upon any Waggon, Cart, or other Carriage, or Horse, loaded with Wheat, Flour, Meal, Malt, or other Grain, in or on the Way to or from any City, Market-Town, or Sea Port of this Kingdom, and wilfully and maliciously break, cut, separate or destroy the same, or any Part thereof, or the Harness of the Horses drawing the same; or shall unlawfully take off, drive away, kill, or wound any of such Horses, or unlawfully beat or wound the Driver or Drivers of such Waggon, Cart or other Carriage, or Horse so loaded, in order to stop the same; or shall, by cutting off the Sacks, or otherwise, scatter or throw abroad such Wheat, Flour, Meal, Malt, or other Grain, or shall take, or carry away, spoil, or damage the same, or any Part thereof; every and all such Person and Persons being thereof lawfully convicted before any two or more Justices of the Peace of the County, Shire, Stewartry, Riding, Division, Town or Place Corporate, wherein such Offence or Offences shall be committed, or before the Justices of the Peace in open Sessions (who are hereby authorized and impowered summarily and finally to hear and determine the same) shall be sent to the Common Gaol, or to the House of Correction, there to continue and be kept to hard Labour for any Time not exceeding the Space of three Months, nor less than one Month; and shall by the same

Persons using Violence to hinder the Purchase or Carriage of Corn, to be imprisoned,

No. 41. 11 George II. c. 22. and whipped.

Justices be also ordered to be once publickly and openly whipped by the Master or Keeper of such Gaol or House of Correction, in such City, Market Town or Sea Port, in or near to which such Offence shall be committed, on the first convenient Market Day, at the Market Cross or Market Place there, between the Hours of eleven and two of the Clock.

Committing the like Offences a second Time, destroying Granaries or the Corn therein, or in Vessels, &c. Felony.

II. And be it further enacted by the Authority aforesaid, That if any such Person or Persons so convicted shall commit any of the Offences aforesaid a second Time; or if from and after the said four and twentieth Day of *June* one thousand seven hundred and thirty-eight, any Person or Persons shall wilfully and maliciously pull, throw down, or otherwise destroy any Storehouse or Granary, or other Place where Corn shall be then kept in order to be exported; or shall unlawfully enter any such Storehouse, Granary or other Place, and take and carry away any Corn, Flour, Meal or Grain therefrom, or shall throw abroad or spoil the same, or any Part thereof; or shall unlawfully enter on Board any Ship, Barge, Boat or Vessel, and shall wilfully and maliciously take and carry away, cast or throw out therefrom, or otherwise spoil or damage, any Meal, Flour, Wheat or Grain therein intended for Exportation; every Person so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be transported for the Space of seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; and if any such Offender so transported shall return into this Kingdom before the Expiration of the said seven Years, he or she shall suffer Death as a Felon without Benefit of Clergy.

III. Provided always, That no Attainder for any Offence made Felony by virtue of this Act shall make or work any Corruption of Blood, Loss of Dower, or Disinheritance of Heir or Heirs.

IV. Provided also, That no Person who shall be punished for any Offence by virtue of this Act shall be punished for the same Offence by virtue of any other Law or Statute whatsoever.

Satisfaction for such Damages recoverable from the Hundred, (not exceeding 100l.)

V. And be it further enacted by the Authority aforesaid, That from and after the four and twentieth Day of *June* one thousand seven hundred and thirty-eight, the Inhabitants of every Hundred in that Part of *Great Britain* called *England*, wherein any such Offence as aforesaid shall be committed, shall make full Satisfaction and Amends to all and every the Person and Persons, their Executors, and Administrators, for the Damages they shall have sustained or suffered by any Injury or Violence done to their Properties by any Offender or Offenders against this Act; and that every Person and Persons, who shall sustain Damages in their Properties by any of the said Offences, shall and are hereby enabled to sue for and recover such his or their Damages (the Sum to be recovered not exceeding one hundred Pounds) against the said Hundred, who by this Act shall be made liable to answer all or any Part thereof; such Damages to be sued for, levied and raised, in

such Manner and Form, and by and under the like Methods and Directions, as are prescribed and mentioned in Cases of Actions for Robberies on the Highway, in and by an Act made in the seven and twentieth Year of the Reign of Queen *Elizabeth*, intituled, "An Act for the following Hue and Cry," and by one other Act made in the eighth Year of the Reign of his present Majesty, intituled, "An Act for the Amendment of the Laws relating to the Actions on the Statute of Hue and Cry," except so much thereof as relates to giving, leaving or publishing Notice, or making fresh Suit and Hue and Cry, or any other Matter otherwise provided for by this Act. No. 41. 11 George II. c. 22. as in Cases of Robbery.

VI. Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be enabled to recover any Damages by virtue of this Act, unless he or they by themselves or by their Servants within two Days after such Damage or Injury done him or them by any such Offender or Offenders as aforesaid, shall give Notice of such Offence done and committed to one of the Constables of the Hundred, or to the Constable, Borsholder, Headborough or Tythingman of the Town, Parish, Village, Hamlet or Tything, in or near which such Fact shall be committed; and shall, within ten Days after such Notice, give in his or their Examinations upon Oath, or the Examination upon Oath of his or their Servants being present at the Time of the Fact being committed, or having the Care of such his or their Properties, to which such Damage or Injury shall be done, before any Justice of the Peace of the County, Liberty or Division, where such Fact shall be committed, whether he or they do know the Person or Persons that committed such Fact, or any of them; and if upon such Examination it be confessed, that he or they do know the Person or Persons that committed the said Fact, or any of them, that then he or they so confessing shall be bound by Recognizance to prosecute such Offender or Offenders according to this Act, or otherwise according to the Laws of the Realm. Notice to be given within two Days after Fact, to a Constable; and Examination upon Oath within 10 Days.

VII. Provided also, and be it enacted by the Authority aforesaid, That where any Offence shall be committed against this Act, and any one of the said Offenders shall be apprehended and lawfully convicted of such Offence within the Space of twelve Months after the Offence committed; no Hundred or Franchise therein shall in any wise be subject or liable to make any Satisfaction to the Party or Parties injured for the Damages he or they shall have sustained; any thing in this Act contained to the contrary notwithstanding. If any one of the Offenders be convicted within 12 Months, Hundred released.

VIII. Provided also, That no Person who shall sustain any Damage by reason of any Offence to be committed by any Offender contrary to this Act, shall be enabled hereby to sue or bring any Action against any Hundred where such Offence shall be committed, till after the Expiration of one Year; nor unless the Party or Parties sustaining such Damage, shall commence his, her, or their Action or Suit within two Years next after the Offence shall be committed. Actions not to be brought against Hundreds under one, or after two Years.

No. 42.

13 George II. c. 21.—An Act for further and more effectually preventing the wilful and malicious Destruction of Collieries and Coal Works.

No. 42. 13 George II. c. 21.

'WHEREAS of late divers evil-disposed Persons, possessed of or interested in Collieries, have by secret and subtil Devices wilfully and maliciously attempted to drown adjacent Collieries, and have by means of Water conveyed or obstructed for that Purpose destroyed or damaged the same, intending thereby to enhance the Price of Coals, and gain the Monopoly thereof: And whereas by an Act made in the tenth Year of the Reign of his present Majesty it was enacted, That if any Person or Persons shall wilfully and maliciously set on Fire, or cause to be set on Fire, any Mine, Pit, or Delph of Coal, or Cannel Coal, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy: And whereas it is reasonable that an adequate Punishment should likewise be inflicted on Persons who shall wilfully and maliciously destroy or damage Collieries by Means of Water as is aforesaid;' Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person, from and after the twelfth Day of *June* one thousand seven hundred and forty, shall unlawfully, wilfully, and maliciously divert, or cause to be diverted, Water from any River, Brook, Watercourse, Channel, or Land Flood, or convey, or cause to be conveyed, Water into any Coal Work, Mine, Pit, or Delph of Coal, or into any subterraneous Cavities, or Passages, or make or cause to be made any subterraneous Cavities or Passages, with Design thereby to destroy or damage any Coal Work or Mine, Pit, or Delph of Coal belonging to any other Person or Persons, or shall for that Purpose unlawfully, wilfully, and maliciously destroy or obstruct any Sough or Sewer (which has been a Sough or Sewer in common for fifty Years) made for draining any Coal Work, Mine, Pit, or Delph of Coal, or shall attempt or continue any such mischievous Practice, or shall aid or assist therein in Manner aforesaid; every such Person shall, for every such Offence, forfeit and pay to the Party or Parties aggrieved Treble Damages, and full Costs of Suit, to be sued for and recovered by Action of Debt, Bill, Plaint or Information, in any of his Majesty's Courts of Record at *Westminster*.

Persons drowning Coal Pits, shall pay Treble Damages, and full Costs;

II. Provided always, That nothing in this Act contained shall prevent or restrain, or be construed to prevent or restrain, any Person or Persons, being the Owner or Owners of any Sough, Drain, or Sewer, from destroying, obstructing, or diverting, using or disposing of any such Sough, Drain, or Sewer, in such Manner as he, she, or they respectively may now lawfully do.

Except such Coal Pits are their own.

No. 43.

26 George II. c. 19. — An Act for enforcing the Laws against Persons who shall steal or detain shipwrecked Goods; and for the Relief of Persons suffering Losses thereby.

[Inserted Pt. III. Cl. II.]

No. 44.

27 George II. c. 15.—An Act to explain and amend an Act made in the ninth Year of the Reign of his late Majesty King *George* the First, intituled, "An Act for the more effectual punishing wicked and evil disposed Persons going armed and disguised, and doing Injuries and Violences to the Persons and Properties of his Majesty's Subjects; and for the speedy bringing the Offenders to Justice."

No. 44. 27 George II. c. 15. 9 Geo. I. c. 22.

WHEREAS by an Act made in the ninth Year of the 'Reign of his late Majesty King *George* the First, 'intituled, "An Act for the more effectual punishing wicked 'and evil-disposed Persons going armed and disguised, and 'doing Injuries and Violences to the Persons and Properties of 'his Majesty's Subjects; and for the speedy bringing the Of'fenders to Justice;" it is amongst other Things enacted, 'That if any Person or Persons, from and after the first of '*June* in the Year of our Lord one thousand seven hundred 'and twenty-three, shall knowingly send any Letter without any 'Name subscribed thereto, or signed with a fictitious Name, 'demanding Money, Venison, or other valuable Thing, or 'shall forcibly rescue any Person being lawfully in Custody of 'any Officer or other Person, for any of the Offences in the 'said Act mentioned, every Person so offending, being there'of lawfully convicted, shall be adjudged guilty of Felony, 'and shall suffer Death, as in Cases of Felony, without Benefit 'of Clergy: And whereas divers Letters have been sent to 'several of his Majesty's Subjects, threatening their Lives or 'burning their Houses, which Letters not demanding Money, 'Venison, or any valuable Effects, are not subject to the Penal'ties of the said Act:' To prevent the like mischievous and iniquitous Proceedings for the future, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, from and after the first Day of *May* one thousand seven hundred and fifty-four, shall knowingly send (1.) any Letter without any Name sub-

Persons convicted of sending threatening or incendiary Letters,

(1.) A Person putting a Letter into the Post in Kent, directed to a Person in Middlesex, and delivered there, is guilty of sending in Middlesex; Esser's Case, E. P. C. ch. 23. § 7; Girdwood's Case, ibid. § 1.

No. 44. 27 George II. c. 15.

scribed thereto, or signed with a fictitious Name or Names, Letter or Letters, threatening to kill or murder (2.) any of his Majesty's Subject or Subjects, or to burn their Houses, Out-houses, (3.) Barns, Stacks of Corn or Grain, Hay or Straw, though no Money or Venison, or other valuable Thing shall be demanded in or by such Letter or Letters; or shall forcibly rescue any Person being lawfully in Custody of any Officer or other Person for the said Offence, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

or of rescuing Persons in Custody for such Offences, to suffer Death.

(2.) A Letter charging the Prosecutor with taking away the Life of a Friend of the Prisoner, who was come to revenge him, held to be Evidence to go to the Jury of a Threat to murder; Gridwood's Case, E. P. C. ch. 23. § 2. 4.

(3.) A Letter threatening to burn the Mill of A. B. he not having any Mill; and to burn his Farms and *seteres*, ruled not to be within the Statute; although Lord Kenyon and Buller J. held that it must be understood as a Threat to burn the Farm-house and Buildings; Jepson and Springett's Case, E. P. C. ch. 23. § 2.

No. 45.

29 George II. c. 36.—An Act for inclosing, by the mutual Consent of the Lords and Tenants, Part of any Common, for the Purpose of planting and preserving Trees fit for Timber or Underwood; and for more effectually preventing the unlawful Destruction of Trees.

[Inserted Pt. II. Cl. II. No. 4.]

No. 46.

31 George II. c. 41.—An Act to amend and render more effectual an Act passed in the twenty-ninth Year of his present Majesty's Reign, intituled, "An Act for inclosing, by the mutual Consent of the Lords and Tenants, Part of any Common, for the Purpose of planting and preserving Trees fit for Timber or Underwood; and for more effectually preventing the unlawful Destruction of Trees.

[Inserted Pt. II. Cl. II. No. 5.]

No. 47.

4 George III. c. 31.—An Act to indemnify such Persons as have omitted to qualify themselves for Offices and Employments; * * * * * * * * * * * * * and to prevent the Destruction of Trees and Underwoods growing in Forests and Chases.

[Inserted Pt. VI. Cl. XL. No. 9.]

No. 48.

4 George III. c. 37.—An Act for the better establishing a Manufactory of Cambricks and Lawns, or Goods of the Kind usually known under those Denominations, now carrying on at *Winchelsea*, in the County of *Sussex;* and for improving, regulating and extending the Manufacture of Cambricks and Lawns, or Goods of the Kind usually known under those Denominations, in that Part of *Great Britain* called *England.* P.

No. 48. 4 George III. c. 37.

Breaking into a Shop, &c. with Intent to steal or destroy, &c. any Materials or Implements, declared to be Felony.

XVI. AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall by Day or Night break into any House, Shop, Cellar, Vault, or other Place or Building, or by Force enter into any House, Shop, Cellar, Vault, or other Place or Building, with Intent to steal, cut or destroy any Linen Yarn, or any Linen Cloth, or any Manufacture of Linen Yarn belonging to any Manufactory, or the Looms, Tools or Implements used therein; or shall wilfully or maliciously cut in Pieces or destroy any such Goods, either when exposed to bleach or dry; every such Offender, being thereof lawfully convicted, shall be judged guilty of Felony, and shall suffer as in Cases of Felony, without Benefit of Clergy.

No. 49.

6 George III. c. 36.—An Act for encouraging the Cultivation, and for the better Preservation, of Trees, Roots, Plants and Shrubs.

[Inserted Part VI. Cl. XL. No. 10.]

No. 50.

6 George III. c. 48.—An Act for the better Preservation of Timber Trees, and of Woods and Underwoods; and for the further Preservation of Roots, Shrubs, and Plants.

[Inserted Pt. VI. Cl. XL. No. 11.]

No. 51.

9 George III. c. 29.—An Act for the more effectual Punishment of such Persons as shall demolish or pull down, burn or otherwise destroy or spoil, any Mill or Mills;* and for preventing the destroying or damaging of Engines for draining Collieries and Mines; or Bridges, Waggon Ways, or other Things used in conveying Coals, Lead, Tin, or other Minerals, from Mines; or Fences for inclosing Lands in pursuance of Acts of Parliament.

No. 51. 9 George III. c. 29. 1 Geo. 1. st. 2. c. 5. 1 Will. & Mary c. 18.

'WHEREAS by an Act passed in the first Year of the 'Reign of his late Majesty King *George* the First, 'intituled, "An Act for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing 'the Rioters," it is, among other Things, enacted, That if 'any Persons unlawfully, riotously, and tumultuously assembled 'together, to the Disturbance of the Public Peace, shall unlawfully and with Force demolish or pull down, or begin to 'demolish or pull down, any Church or Chapel, or any Building for religious Worship, certified and registered according 'to the Statute made in the first Year of the Reign of the late 'King *William* and Queen *Mary*, intituled, "An Act for exempting their Majesties' Protestant Subjects dissenting from 'the Church of *England* from the Penalties of certain Laws," 'or any Dwelling-house, Barn, Stable, or other Out-house; 'that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged Felony 'without Benefit of Clergy; and the Offenders therein shall be 'adjudged Felons, and shall suffer death as in the Cases of Felony 'without Benefit of Clergy: And whereas some Doubts have 'arisen whether the said Act extends to the pulling down and 'demolishing of Mills: Therefore, for remedying the Mischiefs which may ensue therefrom, and for the more effectual 'Punishment of such Offenders,' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons unlawfully, riotously, and tumultuously assembled together, to the Disturbance of the Public Peace, shall, at any Time after the first Day of *July* one thousand seven hundred and sixty-nine, unlawfully, and with Force, demolish or pull down, or begin to demolish or pull down any Wind Saw Mill, or other Wind Mill, or any Water Mill, or other Mill which shall have been or shall be erected, or any of the Works thereto respectively belonging;

Felony, without Benefit of Clergy.

that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged Felony with-

* For the Remedy against the Hundred in case of Damage to Mills, see 41 Geo. III. c. 24. Pt. IV. Cl. XXII. No. 9.

out Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death, as in case of Felony, without Benefit of Clergy. No. 71 9 George III c. 29.

'II. And whereas no effectual Provision hath heretofore 'been made for preventing the Burning of Mills;' be it therefore enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the first Day of July one thousand seven hundred and sixty-nine, wilfully or maliciously burn or set fire to, any Wind Saw Mill, or other Wind Mill, or any Water Mill, or other Mill; such Person so offending, being lawfully convicted thereof, shall be adjudged guilty of Felony without Benefit of Clergy, and shall suffer Death as in case of Felony without Benefit of Clergy.

III. And for more effectually preventing the destroying of Engines for draining Collieries, Coal Mines, and other Mines, and Bridges and Waggon Ways used in conveying Coals, Lead, and other Minerals from thence; and also Fences made or to be made for inclosing Lands by virtue of Acts of Parliament, be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time after the first Day of July one thousand seven hundred and sixty-nine, wilfully or maliciously set fire to, burn, demolish, pull down, or otherwise destroy or damage, any Fire Engine or other Engine erected, or to be erected, for draining Water from any Collieries or Coal Mines; or for drawing Coals out of the same; or for draining Water from any Mine of Lead, Tin, Copper, or other Mineral, or any Bridge, Waggon Way, or Trunk erected, or to be erected, for conveying Coals from any Colliery or Coal Mine, or Staith for depositing the same; or any Bridge or Waggon Way erected, or to be erected for conveying Lead, Tin, Copper, or other Mineral, from any such Mine; or any Fence or Fences that are or shall be erected, set up, provided, or made, for dividing or inclosing any Common Waste or other Lands or Grounds, in pursuance of any Act or Acts of Parliament; every such Person being lawfully convicted of any or either of the said several Offences, or of causing or procuring the same to be done, shall be adjudged guilty of Felony, and shall be subject to the like Pains and Penalties as in Cases of Felony; and the Court by or before whom such Person shall be tried, shall have Power and Authority to transport such Felon for the Term of seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

The wilfully destroying or damaging Engines for draining other Mines, &c.

Transportation for seven Years.

IV. Provided always, That no Person or Persons shall be prosecuted by virtue of this Act for any Offence or Offences committed contrary to the same, unless such Prosecution be commenced within eighteen Months after the Offence committed.

Limitation of Prosecutions for the said Offences.

No. 52.

10 George III. c. 30.—An Act for rectifying a Mistake in an Act made in the last Session of Parliament, * * * * * * * * * for the better Preservation of Hollies, Thorns, and Quicksets, in Forests, Chases, and Private Grounds, and of Trees and Underwoods in Forests and Chases; and for other Purposes.

[Inserted Pt. VI. Cl. XL. No. 2.]

No. 53.

12 George III. c. 24.—An Act for the better securing and preserving his Majesty's Dock Yards, Magazines, Ships, Ammunition, and Stores.

[Inserted ante, Cl. II. No. 49.]

No. 54.

13 George III. c. 33.—An Act to extend the Provisions of an Act, made in the sixth Year of his present Majesty's Reign (intituled, "An Act for the better Preservation of Timber Trees, and of Woods and Underwoods; and for the further Preservation of Roots, Shrubs, and Plants") to Poplar, Alder, Maple, Larch, and Hornbeam.

[Inserted Pt. VI. Cl. XL. No. 13.]

No. 55.

22 George III. c. 40.—An Act for punishing Persons wilfully and maliciously destroying any Woollen, Silk, Linen, or Cotton Goods, or any Implements prepared for or used in the Manufacture thereof; and for repealing so much of two Acts, made in the twelfth Year of King *George* the First, and in the sixth Year of his present Majesty, as relates to the Punishment of Persons destroying any Woollen or Silk Manufactures, or any Implements prepared for, or used therein.

No. 55. 22 George III. c. 40. Preamble.

'WHEREAS many Violences and Outrages have been 'frequently committed by wicked and ill-disposed 'Persons, in destroying the Manufactures of Wool, Silk, 'Linen, and Cotton, and the Materials, Tools, Tackle, and 'other Utensils prepared for or used therein: And, whereas

'for the Prevention of such Violences and Outrages for the 'future, it is necessary exemplary Punishment should be inflict-'ed upon such Offenders:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, by Day or by Night, break into any House or Shop, or enter by Force into any House or Shop, with Intent to cut or destroy any Serge or other Woollen Goods in the Loom, or any Tools employed in making thereof; or shall wilfully and maliciously cut or destroy any such Serges or Woollen Goods in the Loom, or on the Rack; or shall burn, cut, or destroy, any Rack on which any such Serges or other Woollen Goods are hanged in order to dry; or shall wilfully and maliciously break or destroy any Tools used in the making any such Serges or other Woollen Goods, not having the Consent of the Owner so to do; every such Offender, being thereof lawfully convicted, shall be guilty of Felony, without Benefit of Clergy.

No. 55. 22 George III, c. 40.

Persons entering by Force into any House with Intent to cut or destroy any Woollen Goods, or Tools used in manufacturing thereof,

II. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, by Day or by Night, break into any House or Shop, or enter by Force into any House or Shop, with Intent to cut or destroy any Velvet, wrought Silk, or Silk mixed with any other Materials, or other Silk Manufacture, in the Loom, or any Warp or Shute, Tools, Tackle, or Utensils; or shall wilfully and maliciously cut or destroy any Velvet, wrought Silk, or Silk mixed with any other Materials, or other Silk Manufacture, in the Loom, or any Warp or Shute, Tools, Tackle, or Utensils, prepared or employed in or for the making thereof; or shall wilfully and maliciously break or destroy any Tools, Tackle, or Utensils, used in or for the weaving or making of any such Velvet, wrought Silks, or Silks mixed with any other Materials, or other Silk Goods or Silk Manufacture, not having the Consent of the Owner so to do; every such Offender, being thereof lawfully convicted, shall be guilty of Felony, without Benefit of Clergy.

or any Silk Goods, or Tools used in manufacturing thereof, shall be deemed guilty of Felony.

III. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, by Day or by Night, break into any House or Shop, or enter by Force into any House or Shop, with Intent to cut and destroy any Linen or Cotton, or Linen and Cotton mixed with any other Materials, or other Linen or Cotton Manufactures, in the Loom, or any Warp or Shute, Tools, Tackle, and Utensils; or shall wilfully and maliciously cut or destroy any Linen or Cotton, or Linen or Cotton mixed with any other Materials, or other Linen and Cotton Manufacture, in the Loom, or any Warp or Shute, Tools, Tackle, and Utensils, prepared for or employed in the making thereof; or shall wilfully and maliciously break and destroy any Tools, Tackle, or Utensils, used in or for the carding, spinning, weaving, preparing, or making, in any Way whatever, any such Linen or Cotton, or Linen or Cotton

Persons entering any House by Force, with Intent to cut or destroy any Linen or Cotton Manufactures, &c. shall be deemed guilty of Felony.

No. 55. 22 George III. c. 40. mixed with any other Materials, or other Linen and Cotton Goods, or Linen and Cotton Manufactures whatsoever, not having the Consent of the Owner so to do; every such Offender, being thereof lawfully convicted, shall be guilty of Felony, without Benefit of Clergy.

Part of 12 Geo. 1. cap. 34, repealed. IV. And be it further enacted by the Authority aforesaid, That so much of an Act, made in the twelfth Year of the Reign of King *George* the first, intituled, "An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages," as relates to the Punishment of Persons who shall, by Day or by Night, break into any House or Shop, or enter by Force into any House or Shop, with Intent to cut or destroy any Serge or other Woollen Goods in the Loom, or any Tools employed in the making thereof; or shall wilfully and maliciously cut or destroy any such Serges or Woollen Goods in the Loom or on the Rack; or shall burn, cut, or destroy, any Rack on which any such Serges or other Woollen Goods are hanged in order to dry; or shall wilfully and maliciously break or destroy any Tools used in the making any such Serges or other Woollen Goods, not having the Consent of the Owner so to do; shall be, and is hereby repealed.

Part of 6 Geo. 3. cap. 28, repealed. V. And be it further enacted by the Authority aforesaid, That so much of an Act, made in the sixth Year of the Reign of his present Majesty, intituled, "An Act to prohibit the Importation of Foreign Wrought Silks and Velvets, for a limited Time; and for preventing unlawful Combinations of Workmen employed in the Silk Manufacture," as relates to the Punishment of Persons who shall, by Day or by Night, break into any House or Shop, or enter by Force into any House or Shop, with Intent to cut or destroy any Velvet, wrought Silk, or Silk mixed with any other Materials, or other Silk Manufacture, in the Loom, or any Warp or Shute, Tools, Tackle, or Utensils; or shall wilfully and maliciously cut or destroy any Velvet, wrought Silk, or Silk mixed with any other Materials, or other Silk Manufacture, in the Loom, or any Warp or Shute, Tools, Tackle, or Utensils, prepared or employed in or for the making thereof; or shall wilfully and maliciously break or destroy any Tools, Tackle, or Utensils, used in or for the weaving or making any such Velvet, wrought Silks, or Silks mixed with any other Materials, or other Silk Goods or Silk Manufacture, not having the Consent of the Owner so to do, shall be, and is hereby repealed.

No. 56.

28 George III. c. 55.—An Act for the better and more effectual Protection of Stocking Frames, and the Machines or Engines annexed thereto, or used therewith; and for the Punishment of Persons destroying or injuring of such Stocking Frames, Machines, or Engines, and the Framework-knitted Pieces, Stockings, and other Articles and Goods used and made in the Hosiery or Framework-knitted Manufactory; or breaking or destroying any Machinery contained in any Mill or Mills used or any Way employed in preparing or spinning of Wool or Cotton for the Use of the Stocking-Frame.

'WHEREAS the Frames for making of Framework-knitted Pieces, Stockings, and other Articles and Goods in the Hosiery or Framework-knitted Manufactory, are very valuable and expensive Machines, and generally the Property of the Hosier or Manufacturer, who lets the same to hire to his Workmen or Framework-knitters; and it hath frequently happened that the Hosier, or Manufacturer, being the Owner or Employer of such Frame or Frames, and having so put and let the same out to hire, and wanting, for the Accommodation of his Trade and Business, to take and remove such Frame or Frames, from the Use and Possession of one Workman into the Hands and Custody of another, and having for such Purpose given the Customary and usual Notice to the Workman in whose Hands or Custody such Frame was, so to deliver up the same, such Workman hath wilfully detained and withheld the same, and sometimes absolutely and unlawfully sold and disposed thereof to the great Grievance, Inconvenience, and Loss of such Hosier or Manufacturer: And whereas it hath frequently happened, when Discontents have arisen amongst the Framework-knitters, that they and other disorderly Persons have assembled in a riotous and tumultuous Manner, and have destroyed or materially damaged great Numbers of Stocking Frames, and the Machines or Engines thereto annexed or used therewith, and committed great Violences and Outrages upon many of his Majesty's good Subjects; wherefore it is necessary that more effectual Provision should be made against such unlawful Practices, and for preventing such Violences and Outrages for the future, and for bringing all Offenders in the Premises to more speedy and exemplary Justice:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Framework Knitter or Framework Knitters, who shall or may rent

No. 56. 28 George III. c. 55. Preamble.

Framework Knitters hiring

No. 56.
28 George III. c. 55.

Frames, and refusing to return them on 14 Days' Notice, to forfeit 20s.;

or take by the Hire, any Stocking Frame or Frames, either with or without any Machine or Engine thereto annexed, or therewith to be employed, of and from any Person or Persons whomsoever, shall at any Time, from and after the passing of this Act, refuse to yield up and re-deliver such Frame or Frames, with the Machine or Engine therewith let (if any such there shall be) to the Person or Persons of whom he or they shall or may so rent the same, having received from such Person or Persons fourteen Days previous Notice for such Purpose, then and in every such Case, the Person so offending, being thereof lawfully convicted by the Oath, or (if the Owner or Employer thereof be of the People called *Quakers*) solemn Affirmation of the Owner or Employer of such Frame or Frames, or by the Oath or Affirmation of any other credible Witness or Witnesses, before any one or more Justice or Justices of the Peace of the County, Riding, Division, City, Liberty, Town or Place, where such Offence shall be committed, or where the Person or Persons so charged shall reside or inhabit (which Oath or Affirmation the said Justice or Justices is and are hereby empowered and required to administer), the Person or Persons so offending shall, for every such Offence, forfeit the Sum of twenty Shillings to and for the Use of the Poor of the Parish where such Offence shall be committed; and in case the said Forfeiture shall not be immediately paid, and the said Frame or Frames, with the Machine or Engine therewith let (if any such there shall be) delivered up to the Owner or Owners thereof, within six Days next after such Conviction, the Justice or Justices before whom such Conviction shall be had shall commit the Party or Parties so convicted to the common Gaol or other public Prison of such County, Riding, Division, City, Liberty, Town, or Place, there to remain without Bail or Mainprize, and be kept to hard Labour, for any Time not exceeding three Calendar Months, nor less than one Calendar Month.

and if not immediately paid, and the Frames returned in six Days after Conviction, to be imprisoned not more than three Months nor less than one.

Persons so hiring Frames, and selling them, to be imprisoned, not less than three, nor more than twelve Months;

II. And be it further enacted by the Authority aforesaid, That if any Person so renting or taking to Hire any Stocking Frame, with or without any such Machine or Engine as aforesaid, shall at any Time, from and after the passing of this Act, sell or otherwise unlawfully dispose of any such Stocking Frame, or the Machine or Engine therewith let (if any such there shall be) without the Consent of the Owner or Owners thereof, every such Offender, being thereof lawfully convicted upon any Indictment to be found against him, shall suffer solitary Imprisonment in the Common Gaol or House of Correction of the County, Riding, Division, City, Liberty, Town, or Place wherein such Offence shall have been committed, without Bail or Mainprize, for a Space not less than three Calendar Months, nor exceeding twelve Calendar Months.

and Persons purchasing them liable to the same Punishment.

III. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and knowingly receive or purchase any such Stocking Frame, Machine, or Engine, so sold or unlawfully disposed of as aforesaid, contrary to the true Intent and Meaning of this Act, and shall thereof

be lawfully convicted on any Indictment to be found against him or them, every such Offender or Offenders shall be subject to such and the like Punishment as by this Act is inflicted, or provided to be inflicted, on such Person so selling or unlawfully disposing of any such Stocking Frame, Machine, or Engine as aforesaid.

No. 56. 28 George III. c. 55.

IV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, by Day or by Night, enter by Force into any House, Shop, or Place, with an Intent to cut or destroy any Framework-knitted Pieces, Stockings or other Articles or Goods being in the Frame, or upon any Machine or Engine thereto annexed, or therewith to be used, or prepared for that Purpose; or shall wilfully and maliciously cut or destroy any Framework-knitted Pieces, Stockings, or other Articles or Goods being in the Frame, or upon the Machine or Engine as aforesaid, or prepared for that Purpose; or shall wilfully and maliciously break, destroy, or damage any Frame, Machine, Engine, Tool, Instrument, or Utensil, used in and for the working and making of any such Framework-knitted Pieces, Stockings, or other Articles or Goods in the Hosiery or Framework-knitted Manufactory, not having the Consent of the Owner so to do, or break or destroy any Machinery contained in any Mill or Mills used or any way employed in preparing or spinning of Wool or Cotton for the Use of the Stocking Frames, every Offender, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be transported to some of his Majesty's Dominions beyond Seas, for any Space or Term of Years not exceeding fourteen Years, nor less than seven Years.

Persons entering Shops, &c. with an Intent to destroy, or destroying, &c. Framework-knitted Pieces, to be guilty of Felony.

No. 57.

33 George III. c. 67.—An Act for better preventing Offences in obstructing, destroying, or damaging Ships or other Vessels, and in obstructing Seamen, Keelmen, Casters, and Ship Carpenters, from pursuing their lawful Occupations.—[17th. June 1793.]

No. 57. 33 George III. c. 67.

'WHEREAS many Seamen, Keelmen, Casters, and Ship 'Carpenters, have of late assembled themselves in 'great Numbers, and have committed many Acts of Violence; 'which Practices, if continued, may occasion great Loss and 'Damage to Individuals, and injure the Trade and Naviga'gation of this Kingdom:' For the better preventing such violent and injurious Practices, and more effectually punishing such Offenders, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Seamen, Keelmen, Casters, Ship Carpenters, or other Persons, riotously assembled together to the Number of three or more, at any Time after the twenty-fourth Day of *June*, in

Seamen, &c. riotously assembled, who shall

No. 57.
33 George III. c. 67.

forcibly prevent the loading, &c of any Vessels, &c. to be committed to Prison;

the present Year of our Lord one thousand seven hundred and ninety-three, shall unlawfully and with Force prevent, hinder, or obstruct the loading or unloading, or the sailing or navigating of any Ship, Keel, or other Vessel, or shall unlawfully and with Force board any Ship, Keel, or other Vessel, with Intent to prevent, hinder, or obstruct the loading or unloading, or the sailing or navigating of such Ship, Keel, or other Vessel, every Seaman, Keelman, Caster, Ship Carpenter, and other Person, being lawfully convicted of any of the Offences aforesaid, upon any Indictment to be found against him, her, or them, in any Court of Oyer and Terminer, or General or Quarter Sessions of the Peace, to be holden respectively in and for the County, Shire, Riding, Division, or District wherein the Offence was committed, shall be committed either to the common Gaol for the same County, Shire, Riding, Division, or District, there to continue and remain without Bail or Mainprize, or to the House of Correction for the same County, Shire, Riding, Division, or District, there to continue and remain without Bail or Mainprize, and to be kept to hard Labour for any Term not exceeding twelve Calendar Months, nor less than six Calendar Months, in either Case respectively.

as also any such Persons who shall forcibly prevent others from working, &c.

II. And be it further enacted by the Authority aforesaid, That if any Seaman or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, or other Person or Persons, at any Time after the said twenty-fourth Day of *June* one thousand seven hundred and ninety-three, shall unlawfully, and with Force prevent, hinder, or obstruct any Seaman or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, from working at, employing himself in, or exercising his lawful Trade, Business, or Occupation respectively, or shall wilfully and maliciously assault, beat, or wound, or use or commit any bodily Violence or Hurt to or upon any Seaman or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, with Intent to deter, prevent, hinder, or obstruct such Seaman or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, from working at, employing himself in, or exercising his lawful Trade, Business, or Occupation respectively, every Seaman, Keelman, Caster, Ship Carpenter, and other Person, being lawfully convicted of any of the Offences last-mentioned, upon any Indictment to be found against him, her, or them, in any Court of Oyer and Terminer, or General or Quarter Sessions of the Peace to be holden respectively in and for the said County, Shire, Riding, Division, or District, wherein the Offence was committed, shall be committed, either to the Common Gaol for the same County, Shire, Riding, Division, or District, there to continue and remain, without Bail or Mainprize, or to the House of Correction for the same County, Shire, Riding, Division, or District, there to continue and remain without Bail or Mainprize, and to be kept to hard Labour, for any Term not exceeding twelve Calendar Months, nor less than six Calendar Months, in either Case respectively.

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III. And be it further enacted by the Authority aforesaid, That if any Seaman, Keelman, Caster, Ship Carpenter, or other Person, shall be convicted of any of the Offences aforesaid, in pursuance of this Act, and shall afterwards offend again in like Manner, every such Seaman, Keelman, Caster, Ship Carpenter, and other Person so offending again in like Manner, and being lawfully convicted thereof, upon any Indictment to be found against him, her, or them, in any Court of Oyer and Terminer, or General or Quarter Sessions of the Peace respectively to be holden in and for the County, Shire, Riding, Division, or District, wherein the Offence was committed, shall, for such second and every subsequent Offence, be adjudged guilty of Felony, and shall be transported to some of his Majesty's Dominions beyond the Seas, for any Space of Time or Term of Years, not exceeding fourteen Years, nor less than seven Years.

Persons offending a second Time, to be guilty of Felony.

IV. Provided always, and it is hereby enacted and declared, That none of the Pains, Penalties, or Punishments herein-before inflicted, or authorized to be inflicted, shall be deemed, construed, or taken to extend to any Act, Deed, Matter, or Thing whatsoever, committed, done, or suffered in the Service, or under or by virtue of the Authority of his said Majesty, or his Successors; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Act not to extend to Matters done by the Authority of his Majesty.

V. And be it further enacted by the Authority aforesaid, That if any Seaman or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, or other Person or Persons, shall, at any Time after the said twenty-fourth Day of *June* one thousand seven hundred and ninety-three, wilfully and maliciously burn or set Fire to any Ship, Keel, or other Vessel, every Person so offending, and being thereof lawfully convicted, in any Court of Oyer and Terminer, to be holden in and for the County, Shire, Riding, Division, or District wherein the Offence was committed, shall be adjudged guilty of Felony without Benefit of Clergy, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Seamen, &c. wilfully setting Fire to any Ship, to suffer Death;

VI. And be it further enacted by the Authority aforesaid, That if any Seaman or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, or other Person or Persons, shall at any Time after the said twenty-fourth Day of *June* one thousand seven hundred and ninety-three, wilfully and maliciously destroy or damage any Ship, Keel, or other Vessel, (otherwise than by Fire,) every Seaman, Keelman, Caster, Ship Carpenter, and other Person so offending, and being thereof lawfully convicted upon any Indictment to be found against him, her, or them, in any Court of Oyer and Terminer, or General or Quarter Sessions of the Peace to be holden respectively in and for the County, Shire, Riding, Division, or District wherein the Offence was committed, shall be adjudged guilty of Felony, and shall be transported to some of his Majesty's Dominions beyond the

and destroying or damaging them by any other Means, to be transported.

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Seas, for any Space of Time or Term of Years not exceeding fourteen Years, nor less than seven Years.

Offences committed on the High Seas triable in any Session for Trial of Offences committed thereon.

VII. And be it further enacted by the Authority aforesaid, That in case any of the Offences herein-before described or mentioned, shall be committed on the High Seas, then, and in every such Case, the Offence or Offences so committed shall be triable, and the Person or Persons so offending may be prosecuted and tried by virtue of this Act, in any Session of Oyer and Terminer and Gaol Delivery for the Trial of Offences committed on the High Seas, within the Jurisdiction of the Admiralty of *England;* any Thing herein contained to the contrary in any wise notwithstanding.

Prosecutions to be commenced within a Year.

VIII. Provided always, and it is hereby enacted and declared, That no Person or Persons shall be prosecuted by virtue of this Act, for any of the Offences aforesaid, unless such Prosecution be commenced within twelve Calendar Months after the Offence committed.

Continuance of Act.

IX. And be it further enacted, That this Act shall continue in force until the twenty-fourth Day of *June*, which shall be in the Year of our Lord one thousand eight hundred, and from thence to the End of the then next Session of Parliament, and no longer. Made perpetual by 41 Geo. 3. ch. 19.

No. 58.

36 George III. c. 9.—An Act to prevent Obstructions to the free Passage of Grain within the Kingdom.—[18*th. December* 1795.]

No. 58. 36 George III. c. 9.

'WHEREAS divers Persons have assembled themselves 'in great Numbers, and committed great Violences, 'with Intent to hinder the Passage of Corn and Grain from 'Place to Place, whereby the necessary Circulation of Corn 'and Grain within the Kingdom may be prevented:' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, from and after the passing of this Act, wilfully and maliciously beat, wound, or use any other Violence to or upon any Person or Persons, with Intent to deter or hinder him or them from buying of Corn or Grain in any Market, or other Place within this Kingdom, or shall unlawfully stop or seize any Wheat, Flour, Meal, Malt, or other Grain, in or on the Way to or from any City, Market Town, or Place in this Kingdom, or shall wilfully and maliciously break, cut, or destroy any Waggon, Cart, or other Carriage wherein any such Wheat, Flour, Meal, Malt, or other Grain, shall be loaded, or the Harness of any Horse or Horses drawing or carrying the same, or shall unlawfully take off from any such Carriage, or drive away, kill, or wound, any such Horse or Horses, or unlawfully beat

Persons hindering the buying of Corn, or seizing it on its Passage, &c. to be committed to hard Labour for a limited Time.

or wound the Driver or Drivers of any such Waggon, Cart, or other Carriage, or Horse so loaded, with Intent to stop such Wheat, Flour, Meal, Malt, or other Grain, or shall, by cutting of the Sacks, or otherwise, scatter or throw abroad any such Wheat, Flour, Meal, Malt, or other Grain, or shall take or carry away, destroy, spoil, or damage the same, or any Part thereof, every and all such Person or Persons, being thereof lawfully convicted before any two or more Justices of the Peace of the County, Shire, Stewartry, Riding, Division, Town, or Place Corporate, wherein such Offence or Offences shall be committed, or before the Justices of the Peace in open Sessions, (who are hereby authorized and empowered, summarily and finally, to hear and determine the same,) shall be sent to the Common Gaol or House of Correction, there to continue and be kept to hard Labour for any Time not exceeding the Space of three Months nor less than one Month.

No. 58. 36 George III. c. 9.

Persons convicted of such Offences a second Time, or destroying Storehouses, or carrying Corn therefrom, &c. to be transported for seven Years, &c.

II. And be it further enacted by the Authority aforesaid, That if any such Person or Persons so convicted shall commit any of the Offences aforesaid a second Time, or if, from and after the passing of this Act, any Person or Persons, with Intent to prevent or hinder any Corn, Meal, Flour, Malt, or Grain from being lawfully carried or removed from any Place whatsoever, shall wilfully and maliciously pull, throw down, or otherwise destroy, any Storehouse or Granary, or other Place in which Corn, Meal, Flour, Malt, or Grain shall be then kept, or shall unlawfully enter any such Storehouse, Granary, or other Place, and take and carry away any Corn, Flour, Meal, Malt, or Grain therefrom, or shall throw abroad or spoil the same, or any Part thereof, or shall unlawfully enter on board any Ship, Barge, Boat, or Vessel, and wilfully and maliciously take and carry away, cast or throw out therefrom, or otherwise spoil or damage any Corn, Flour, Meal, Malt, or Grain therein, every Person so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be transported for the Space of seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; and if any such Offender so transported shall return into this Kingdom before the Expiration of the said seven Years, he or she shall suffer Death as a Felon, without Benefit of Clergy: Provided always, that no Attainder for any Offence made Felony by virtue of this Act shall make or work any Corruption of Blood, Loss of Dower, or Disinheritance of Heir or Heirs.

The Hundred where any such Offence is committed may be sued for Damages, not exceeding 100 l.

III. And be it further enacted by the Authority aforesaid, That, from and after the passing of this Act, the Inhabitants of every Hundred, in that Part of *Great Britain* called *England*, wherein any such Offence as aforesaid shall be committed, shall make full Satisfaction and Amends to all and every the Person and Persons, their Executors and Administrators, for the Damage they shall have sustained or suffered by any Injury or Violence done to their Properties by any Offender or Offenders against this Act; and that every Person and Persons who shall

No. 58. 36 George III. c. 9.

sustain Damages in their Properties by any of the said Offences, shall and are hereby enabled to sue for and recover such his or their Damages (the Sum to be recovered not exceeding one hundred Pounds) against the said Hundred, who by this Act shall be made liable to answer all or any Part thereof; such Damages to be sued for, levied, and raised in such Manner and Form, and by and under the like Methods and Directions, as are prescribed and mentioned in Cases of Actions of Robberies on the Highway in and by an Act, made in the seven and twentieth Year of the Reign of Queen *Elizabeth*, intituled, "An Act for the following Hue and Cry;" and by one other Act, made in the eighth Year of the Reign of his late Majesty King *George* the Second, intituled, "An Act for the Amendment of the Law relating to Actions on the Statute of Hue and Cry," except so much thereof as relates to giving, leaving, or publishing Notice, or making fresh Suit and Hue and Cry, or any other Matter otherwise provided for by this Act.

No Person to recover such Damages, unless Notice be given of the Offence, &c. and Recognizance entered into to prosecute known Offenders.

IV. Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be enabled to recover any Damages by virtue of this Act, unless he or they, by themselves or by their Servants, within two Days after such Damage or Injury done him or them, by any such Offender or Offenders as aforesaid, shall give Notice of such Offence done and committed to one of the Constables of the Hundred, or to the Constable, Borsholder, Headborough, or Tithingman of the Town, Parish, Village, Hamlet or Tithing in or near which such Fact shall be committed, and shall, within ten Days after such Notice, give in his or their Examinations upon Oath, or the Examination of his or their Servants, being present at the Time of the Fact being committed, or having the Care of such his or their Properties to which such Damage or Injury shall be done, before any Justice of the Peace of the County, Liberty, or Division where such Fact shall be committed, whether he or they do know the Person or Persons that committed such Fact, or any of them; and if upon such Examination it be confessed that he or they do know the Person or Persons that committed the said Fact, or any of them, that then he or they so confessing shall be bound by Recognizance to prosecute such Offender or Offenders according to this Act, or otherwise according to the Laws of the Realm.

If any Offender be convicted within a Year after the Offence, the Hundred not liable to make Satisfaction for Damages.

V. Provided also, and be it enacted by the Authority aforesaid, That where any Offence shall be committed against this Act, and any one of the said Offenders shall be apprehended, and lawfully convicted of such Offence, within the Space of twelve Months after the Offence committed, no Hundred or Franchise therein shall in anywise be subject or liable to make any Satisfaction to the Party or Parties injured for the Damages he or they shall have sustained; any Thing in this Act contained to the contrary notwithstanding: Provided also, that no Person who shall sustain any Damage by reason of any Offence to be committed by any Offender contrary to this Act, shall be

No Action for Damages to be brought till after a Year, nor unless commenced

enabled hereby to sue or bring any Action against any Hundred where such Offence shall be committed till after the Expiration of one Year, nor unless the Party or Parties sustaining such Damage shall commence his, her, or their Action or Suit, within two Years next after the Offence committed.

No. 58. 36 George III. c. 9. within two Years after the Offence.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed or taken to abridge or take away any Provision already made by the Law of this Realm, or any Part thereof, for the Suppression or Punishment of any Offence whatsoever mentioned or described in this Act: Provided also, that no Person who shall be punished by virtue of this Act, shall be punished for the same Offence by virtue of any other Law or Statute whatsoever.

Not to abridge any Law for the Punishment or Suppression of Offences mentioned herein.

No. 59.

39 and 40 George III. c. 77.—An Act for the Security of Collieries and Mines, and for the better Regulation of Colliers and Miners.—[9th. July 1800.]

No. 59. 39 and 40 George III. c. 77.

'WHEREAS from the Situation of the Veins and Mines 'of Coal and Iron Stone in many Parts of this King-'dom, the same are greatly exposed to the Depredations of 'wicked and evil-disposed Persons, and the Laws now in 'being are inadequate to the Protection thereof:' May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, at any Time after the first day of *September*, one thousand eight hundred, wilfully and maliciously pull down, fill up, or begin or attempt to pull down or fill up any Airway, Waterway, Drain, Pit, Level, or Shaft, or damage or destroy any Rail Way, Tram Road, or other Road leading to or from, or intended to lead to or from any Coal or other Mine Work, or if any Person or Persons (not having or *bonâ fide* claiming a Right to possess or work the same respectively) shall, from and after the Time above mentioned, wilfully and unlawfully cut, dig, raise, take, or carry away any Coal, Culm, or other Mineral, from any Bed, Band, Vein, or Mine, lying and being in any Waste, Open, or Uninclosed Lands, or shall wilfully and unlawfully enter into any Level, Pit, or Shaft, with an Intent to dig, cut, raise, take, or carry away therefrom any Coal, Culm, or other Mineral, or shall aid, abet, assist, hire, or command any Person or Persons to commit any such Offence or Offences as aforesaid, that then and in every such Case all and every such Person or Persons shall be deemed and adjudged to be guilty of a Misdemeanor; and the Court or Judge before whom any such Person or Persons shall be tried and convicted, shall have Power and Authority to cause

After Sept. 1, 1800, if any Person shall pull down or fill up any Airway, &c. or damage any Road leading to or from any Mine, or, not having a Right, shall dig any Mineral lying in any Waste, &c. he shall be deemed guilty of a Misdemeanour, and may be imprisoned 6 Months.

No. 59. 39 and 40 George III. c. 77.

such Person or Persons to be imprisoned for any Term not exceeding six Months.

Act not to extend to any Damage done under Ground by Owners of adjoining Mines in working the same.

II. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to any Trespass or Damage which shall be done or committed underground, by any Owner or Owners of any adjoining Coal or other Mine, in working the same, or by any Person or Persons duly authorized, and employed in such Working as aforesaid.

If any Collier or Miner shall work any Coal, &c. different to his Agreement, or contrary to the Directions of the Owner, or shall refuse to fulfil his Engagements, he shall on Conviction before one Justice forfeit not exceeding 40s. and for Nonpayment may be imprisoned.

III. 'And whereas it often happens that Colliers and 'Miners, disregarding their Agreements, wilfully and obsti-'nately work Coal and Iron Stone in a different Manner to 'what they stipulated, or otherwise abandon the Agreement 'they have entered into, to the great and lasting Prejudice of 'their Employers;' be it therefore further enacted, That if any Person or Persons making any Bargain, or entering into any Contract or Agreement in Writing, for raising or getting any Coal, Culm, Iron Stone, or Iron Ore, shall wilfully, and to the Prejudice of the Owner, raise, get, or work, or cause to be raised, got, or worked, any such Coal, Culm, Iron Stone, or Iron Ore, in a different Manner to his or their Stipulations in respect thereto, and contrary to the Directions, and against the Will of the Owner, or his Agent or Agents having the Care thereof, or shall desist or refuse to fulfil the Engagements they have entered into, every Person or Persons so offending, and being thereof convicted, either by the Confession of the Party offending, or upon the Oath of one or more credible Witness or Witnesses, before one or more of his Majesty's Justices of the Peace for the County wherein such Offence shall have been committed, shall, for every such Offence, on Complaint of the Owner or Owners, or his or their Agent or Agents, and not otherwise, forfeit and pay such Sum of Money, not exceeding Forty Shillings, as to such Justice or Justices shall seem meet, together with the Charges previous to and attending such Conviction, to be ascertained by such Justice or Justices who shall convict the Offender or Offenders; and upon Nonpayment thereof, such Justice or Justices shall commit the Offender or Offenders to the common Gaol of the County or Place where the Offence shall be committed, without Bail or Mainprize, for any Time not exceeding six Months, or until the Penalty and Charges shall be paid; and upon such Conviction, every such Bargain, Contract, or Agreement shall become void.

If any Collier or Miner, &c. shall stack any Coal, &c. in a fraudulent Manner, to defraud his Employer, or shall remove any Iron Stone to defraud his fellow Work-

IV. 'And whereas the Owners and Lessees of Coal, Iron 'Stone, or Iron Ore, contracting to get the same raised by 'Weight, are often under the Necessity of advancing Money 'to the Colliers and Miners upon the Measure thereof in 'Heaps, at or near the Colliery or Mine Work, before the 'same can be carried to be weighed, and great Frauds are 'practised in the walling and stacking of such Coal, Iron 'Stone, and Iron Ore, by which the Colliers and Miners ob-'tain Money beyond what they earn, or are able to repay,

'and Miners often defraud each other by conveying away 'Iron Stone from one Heap into another;' Be it therefore enacted, That if any Person or Persons shall wall or stack, or cause to be walled or stacked, any Coal, Iron Stone, or Iron Ore, in any false or fraudulent Manner, with an Intent to deceive his or their Employer or Employers, or if any Person or Persons shall take and remove any Iron Stone or Iron Ore with Intent to defraud the Person or Persons who shall have raised the same, and shall be thereof convicted, either by the Confession of the Party offending, or upon the Oath of one or more credible Witness or Witnesses, before any one or more Justice or Justices of the Peace for the County wherein such Offence shall have been committed, it shall and may be lawful for such Justice or Justices to commit any such Person to the House of Correction or Common Gaol for the same County, for any Time not exceeding three Months. No. 59. 39 and 40 George III, c. 77. men, &c. he may be imprisoned, not exceeding three Months.

V. And be it further enacted, That if any Person shall steal or take away any Coal, Culm, or Coak, Wood, Iron, Ropes, or Leather, not exceeding the Value of five Shillings, from any Bank, Yard, Wharf, or other Place, belonging to any Manufacturer or Coal Dealer, or off or out of any Boat, Barge, Waggon, Cart, or other Carriage, or shall wilfully break, destroy, or damage any Waggon, Cart, or other Carriage, used for carrying Coal, Culm, Coak, Iron, or Iron Stone, or shall steal, break, destroy, damage, or embezzle any Tools or Implements used for cutting or getting Coal, Culm, or other Minerals, not exceeding the Value above mentioned, and shall, on Complaint of the Owner or his Agent, be thereof convicted, either by the Confession of the Party offending, or by the Oath of one or more credible Witness or Witnesses, before any one or more Justice or Justices of the Peace of the County where the Offence shall be committed, every Person so offending, and being thereof convicted as aforesaid, shall, for the first Offence, forfeit and pay such Sum of Money, not exceeding ten Shillings, as to such Justice or Justices shall seem meet, over and above the Charges previous to and attending such Conviction, to be ascertained by such Justice or Justices who shall convict the Offender, and upon Nonpayment thereof such Justice or Justices shall commit the Offender to the House of Correction, there to be kept to hard Labour for one Month, or until the Penalty and Charges shall be paid; and if any Person so convicted shall be guilty of the like Offence a second Time, and shall be thereof convicted in like Manner, such Person shall forfeit and pay such sum of Money, not exceeding twenty Shillings, as to such Justice or Justices shall seem meet over and above the Charges previous to and attending such Conviction, to be ascertained by such Justice or Justices who shall convict the Offender, and upon Nonpayment thereof, such Justice or Justices shall commit the Offender to the House of Correction, there to be kept to hard Labour for three Months, or until the Penalty and Charges shall be paid; and if any Person so convicted shall be guilty of

If any Person shall steal any Coal, or Materials, &c. not more than 5s. Value, from any Place belonging to any Manufacturer or Coal Dealer, or out of any Boat, &c. or shall damage any Carriage used for carrying Coals, &c. or steal or damage any Tools used for cutting Coal, &c. not exceeding 5s. Value, he shall be liable to certain Penalties, viz. not exceeding 10s. or one Month's Imprisonment for the first Offence; 20s. or three Months for the second; 40s. or six Months for the third, &c.

No. 59. 39 and 40 George III. c. 77.

the like Offence a third Time, or oftener, and shall be thereof convicted in like Manner, such Person shall forfeit and pay, for every such Offence, such sum of Money, not exceeding forty Shillings, as to such Justice or Justices shall seem meet, over and above the Charges previous to and attending such Conviction, to be ascertained by such Justice or Justices who shall convict the Offender, and upon Nonpayment thereof, such Justice or Justices shall commit the Offender to the House of Correction, there to be kept to hard Labour for six Months, or until the Penalty and Charges shall be paid: Provided always, That no Person who shall be convicted of any Offence under this Act, shall be liable to be prosecuted for the same Offence under any other Law.

Application of Forfeitures.

VI. And be it further enacted, That all and every the Forfeitures to be paid in pursuance of this Act shall be distributed between the Informer and the Overseer or Overseers of the Parish or Place where the Offence shall be committed, for the Use of the Poor of such Parish or Place, in such Proportion as the Justice or Justices before whom the Offenders shall be convicted shall think fit.

Evidence of Inhabitants of the Place where the Offence is committed shall be good.

VII. And be it further enacted, That in all Informations and other Proceedings for any of the last-mentioned Offences, the Evidence of the Inhabitants of the Parish or Place where the Offence shall be committed, shall be taken and allowed; any Law or Usage to the contrary notwithstanding.

Convictions shall be drawn up in the following

VIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Words, or in any Form of Words to the same Effect, as the Case shall happen; *(videlicet,)*

Form.

'BE it remembered, That on the Day of in 'the Year of our Lord *A. B.* having been 'brought before me [*or*, having been duly summoned, and not 'having appeared, *as the Case may happen*] is on his own 'Confession [*or*, on due Proof, *whichever may be the Case*] 'convicted before me, *C. D.* one of his Majesty's Jus'tices of the Peace for the County of for that he 'the said *A. B.* on the Day of at in the 'said County of did [*here specify the Offence according 'to the Fact, and following the Words of the Act, and whether 'the same is the first, or what other Offence*] against the Form 'of the Statute in that Case made; and I do adjudge him to 'forfeit and pay for the said Offence the Sum of and 'also the further Sum of for the Charges of this Convic'tion. Given under my Hand and Seal [*or*, our Hands and 'Seals] the Day and Year first aforesaid.'

Prosecutions must be begun within nine Months.

IX. Provided always, That no Person shall be prosecuted for any Offence against this Act, unless such Prosecution be

begun within nine Calendar Months after the Offence committed. No. 59. 39 and 40 George III. c. 77.

X. Provided always, and be it further enacted, That any Person or Persons thinking himself or themselves aggrieved by any Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, save and except any Order of Commitment, may, within three Calendar Months after such Order or Determination shall be made, complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County or Place where the Cause of Appeal shall arise, who shall either hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they think proper may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for the said County or Place, and if they see Cause, may quash any Conviction, or mitigate any Forfeiture or Fine, and may award Costs to either Party, or order any Money to be returned which shall have been levied in pursuance of any such Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Persons aggrieved may appeal to the Quarter Sessions (except on Orders of Commitment.)

Proceedings not to be quashed for Want of Form, or removeable into any Court of Record.

No. 60.

43 George III. c. 58.—An Act for the further Prevention of malicious shooting, and attempting to discharge loaded Fire-Arms, stabbing, cutting, wounding, poisoning, and the malicious using of Means to procure the Miscarriage of Women; and also the malicious setting Fire to Buildings; and also for repealing a certain Act, made in *England* in the twenty-first Year of the late King *James* the First, intituled, "An Act to prevent the destroying and murthering of Bastard Children;" and also an Act made in *Ireland* in the sixth Year of the Reign of the late Queen *Anne*, also intituled, "An Act to prevent the destroying and murthering of Bastard Children;" and for making other Provisions in lieu thereof.—[24th. *June* 1803.]

[Inserted ante, Class IV.]

No. 61.

43 George III. c. 113.—An Act for the more effectually providing for the Punishment of Offences in wilfully casting away, burning, or destroying Ships and Vessels; and for the more convenient Trial of Accessaries in Felonies; and for extending the Powers of an Act made in the thirty-third Year of the Reign of King *Henry* the Eighth, as far as relates to Murders, to Accessaries to Murders, and to Manslaughters.—[27*th. July* 1803.]

No. 61. 43 George III. c. 113. Provisions of 4 Geo. I. c. 12. § 3. (amending 12 An. st. 2. c. 18.)

'WHEREAS in and by a certain Act of Parliament, ' made in the fourth Year of the Reign of his late ' Majesty King *George* the First, intituled, "An Act for enforcing and making perpetual an Act of the twelfth Year ' of her late Majesty, intituled, 'An Act for the preserving ' of all such Ships and Goods thereof, which shall happen to be ' forced on Shore, or stranded upon the Coasts of this Kingdom, or any other of her Majesty's Dominions;' and for ' inflicting the Punishment of Death on such as shall wilfully ' burn or destroy Ships," it is, amongst other Things, enacted, ' that if any Owner of, or Captain, Master, Mariner, or other ' Officer belonging to any Ship, shall, after the twenty-fourth ' Day of *June* which shall be in the Year of our Lord one ' thousand seven hundred and eighteen, wilfully cast away, ' burn, or otherwise destroy the Ship of which he is Owner, ' or unto which he belongeth, or in any Manner of Wise ' direct or procure the same to be done, to the Prejudice of ' any Person or Persons that shall underwrite any Policy or ' Policies of Insurance thereon, or of any Merchant or Merchants that shall load Goods thereon, he shall suffer Death:

and 11 Geo. I. c. 29 § 5, 6, 7, respecting the casting away or destroying Ships, recited.

' And whereas in and by a certain other Act of Parliament, ' made in the eleventh Year of the Reign of his late Majesty ' King *George* the First, intituled, "An Act to continue several ' Acts therein mentioned, for preventing Frauds committed by ' Bankrupts; for encouraging the Silk Manufacture of this ' Kingdom; for preventing the clandestine Running of Goods; ' for making Copper Ore of the British Plantations an enumerated Commodity; and for explaining and amending a late ' Act for the more effectual Punishment of such as shall wilfully ' burn or destroy Ships;" and reciting amongst other Things, ' as is above herein recited, and that some Doubt had arisen ' touching the Nature of the Offence provided against by the ' said recited Act, and the Trial and Punishment to be had ' and inflicted for the same, it was therefore by that Act ' enacted and declared, that if any Owner of, or Captain, ' Master, Officer, or Mariner, belonging to any Ship or Vessel, shall, after the four and twentieth Day of *June* one ' thousand seven hundred and twenty-five, wilfully cast away, ' burn, or otherwise destroy, the Ship or Vessel of which he

'is Owner, or to which he belongeth, or in any wise direct or 'procure the same to be done, with Intent or Design to prejudice any Person or Persons that hath or shall underwrite any 'Policy or Policies of Insurance thereon, or of any Merchant 'or Merchants that shall load Goods thereon, or of any 'Owner or Owners of such Ship or Vessel, the Person or 'Persons offending therein, being thereof lawfully convicted, 'shall be deemed and adjudged a Felon or Felons, and shall 'suffer as in Cases of Felony without Benefit of Clergy; and 'it was in and by the said Act further declared, that if any 'of the said Offences, in wilfully casting away, burning, or 'otherwise destroying, any Ship or Vessel as aforesaid, shall 'be committed within the Body of any County of this Realm, 'the same shall be and may be inquired of, tried, determined, 'and adjudged in the same Courts, in such Manner and Form as 'Felonies done within the Body of any County, by the Laws 'of this Realm, are to be inquired of, tried, determined, and 'adjudged, and if any of the said Offences shall be committed 'upon the High Seas, the same shall be inquired of, tried, determined, and adjudged, before such Court, and in such 'Manner and Form as in and by an Act made in the eight-and-twentieth Year of the Reign of King *Henry* the Eighth, 'intituled, "For Pirates," is directed and appointed for the 'enquiring, trying, determining, and adjudging of Felonies done upon the High Seas: And whereas the above Provisions in the said in-part recited Acts have been found 'inadequate and ineffectual for the Prevention and Punishment of the Offences therein mentioned:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions of the said two several herein in-part recited Acts, and every of them, be henceforth repealed.

No. 61. 43 George III. c. 113.

Recited Provisions repealed.

II. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the sixteenth Day of *July* one thousand eight hundred and three, wilfully cast away, burn, or otherwise destroy, any Ship or Vessel, or in any wise counsel, direct, or procure the same to be done, and the same be accordingly done with Intent or Design thereby wilfully and maliciously to prejudice any Owner or Owners of such Ship or Vessel, or any Owner or Owners of any Goods loaden on board the same, or any Person or Persons, Body Politick or Corporate, that hath or have underwritten or shall underwrite any Policy or Policies of Insurance upon such Ship or Vessel, or on the Freight thereof, or upon any Goods loaden on board the same, the Person or Persons offending therein being thereof lawfully convicted, shall be deemed and adjudged a principal Felon or Felons, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Persons wilfully casting away, &c. any Vessel, or procuring it to be done, declared Felons without Clergy.

No. 61.
43 George III. c. 113.

Offences, if committed within the Body of any County, shall be tried as other Felonies;

III. And be it further enacted by the Authority aforesaid, That if any such Ship or Vessel shall, from and after the sixteenth Day of *July* in the Year of our Lord one thousand eight hundred and three, be wilfully cast away, burnt, or otherwise destroyed, within the Body of any County of this Realm, that then the said several Offences, as well in wilfully casting away, burning, or otherwise destroying such Ship or Vessel, as in counselling, directing, or procuring the same to be done as aforesaid, shall and may be respectively inquired of, tried, determined, and adjudged, in the same Courts, and in such Manner and Form as Felonies done within the Body of any County, by the Laws of this Realm now are to be, or by virtue of this Act hereafter may be, inquired of, tried, determined, and adjudged; and if any such Ship or Vessel shall be wilfully cast away, burnt, or otherwise destroyed, on the High Seas, then that the said several Offences, as well in wilfully casting away, burning, or otherwise destroying any such Ship or Vessel, as in counselling, directing, and procuring the same to be done as aforesaid, shall and may be respectively inquired of, tried, determined, and adjudged, before such Court, and in such Manner and Form as in and by an Act made in the eight-and-twentieth Year of the Reign of King *Henry* the Eighth, intituled, "For Pirates," is appointed and directed for the inquiring, trying, determining, and adjudging of Felonies on the High Seas.

if on the High Seas, as under 28 H. 8. c. 15.

"Act shall not bar Prosecutions for Offences committed before "*July* 16, 1803, § 4."

'V. And whereas it is convenient that Accessaries to 'Felonies committed within the Body of any County within 'the Realm, should be by Law liable to be tried, as well in 'the County wherein the principal Felony was committed as 'in the County in which they so became Accessaries, and also 'that Accessaries to Felonies committed upon the High Seas 'should be by Law liable to be tried by such Court, and in 'such Manner as by the Act made in the eight-and-twentieth 'Year of the Reign of the late King *Henry* the Eighth, is 'directed in respect of Felonies done upon the High Seas;' Be it therefore enacted by the Authority aforesaid, That, from and after the said sixteenth Day of *July* in the said Year of our Lord one thousand eight hundred and three, in all Cases whatsoever in which any Person or Persons shall hereafter procure, direct, counsel, or command any other Person or Persons to commit, or shall abet any other Person or Persons in committing any Felony whatsoever, or shall in any wise whatsoever become an Accessary or Accessaries before the Fact to any Felony whatsoever, whether such principal Felony be committed within the Body of any County within this Realm, or upon the High Seas, and whether such procuring, directing, counselling, commanding, and abetting, or otherwise becoming Accessary or Accessaries before the Fact shall have been committed or done within the Body of any County within this

Accessaries to Felonies may be tried either in the County where the principal Offence was committed, or in that where the Offence of being Accessary was done; and if the principal Offence shall be committed on the High Seas, the Accessaries shall be tried in Manner prescribed by

Realm, or upon the High Seas, that then and in all such Cases, the Offence of the Person or Persons so procuring, directing, counselling, commanding, or abetting such Felony, or so in any wise becoming Accessary or Accessaries before the Fact to such Felony, shall and may be inquired of, tried, determined, and adjudged, in case such principal Felony shall have been committed within the Body of any County within this Realm, by the Course of the Common Law, either within such County wherein the said principal Felony shall have been committed, or within the County wherein the Offence in procuring, directing, counselling, commanding, and abetting, or otherwise becoming Accessary or Accessaries before the Fact shall have been committed or done; and in case the said principal Felony shall have been committed upon the High Seas, then the said Offence in procuring, directing, counselling, commanding, or abetting such Felony, or of so becoming an Accessary or Accessaries before the Fact to the same, shall and may be inquired of, in and by such Court, and in such Manner and Form as in and by the said Act, made in the eight-and-twentieth Year of the Reign of King *Henry* the Eighth, is appointed and directed for the trying, determining, and adjudging, of Felonies done upon the High Seas: Provided always, that no Person or Persons who shall hereafter be once tried and acquitted, or convicted of any such Offence, in procuring, directing, counselling, commanding, or abetting, any Felony, or of otherwise becoming an Accessary or Accessaries before the Fact to such Felony, whether the Trial of such Person or Persons shall have been had according to the Course of the Common Law, as in the Case of a Felony committed within the Body of any County in this Realm, or according to the Provisions contained in the Statute made in the eight-and-twentieth Year of the Reign of King *Henry* the Eighth, as in the Case of a Felony committed on the High Seas, shall be liable to be again indicted, prosecuted, or tried, for the same Offence, in any Court or Jurisdiction whatsoever.

No. 61. 43 George III. c. 113. recited Act, 28 H. 8. c. 15.

Persons once tried shall not be again tried for the same Offence.

VI. 'And whereas by an Act, made and passed in the 'thirty-third Year of the Reign of King *Henry* the Eighth, 'intituled, "An Act to proceed, by Commission of *Oyer* and '*Terminer*, against such Persons as shall confess Treason, *et* '*cetera*, without remanding the same to be tried in the Shire 'where the Offence was committed;" certain Powers, Au-'thorities, Provisions, and Regulations are given and enacted 'for making Commissions of *Oyer* and *Terminer*, for the speedy 'Trial, Conviction, or Delivery of Persons examined before 'the King's Council, or three of them, upon any Murders or 'other Offences therein mentioned, and for inquiring of, hear-'ing, and determining such Murders and other Offences, 'under such Circumstances, and in such Cases, as in the said 'Act are mentioned; which said Act, so far as the same relates 'to the Crime of Murder, is still in Force and unrepealed; but 'no Provision is therein made for the Trial of Accessaries be-'before the Fact in Murder, or for the Trial of the Offence of

33 H. 8. c. 23. recited, and the Powers therein contained respecting Murder, &c. extended to Accessaries before the Fact in Murder, and to the Offence of Manslaughter.

No. 61. 43 George III. c. 113.

'Manslaughter, either upon Indictments for that Offence, or 'for the Crime of Murder, under any Commission to be made 'or issued in pursuance of the same Act, whereby Persons 'guilty of those Offences, and more particularly when such 'Murders or Manslaughters happen to be committed out of the 'Realm, and not upon the High Seas, may frequently escape 'Punishment, to the Encouragement and evil Example of 'evil Doers;' Be it therefore enacted by the Authority aforesaid, That from henceforth all and singular the Powers and Authorities in the said last-recited Act contained respecting the Offence of Murder, and the Examination of any Person or Persons upon any Murders by the King's Council, or three of them, and the making or issuing of Commissions of *Oyer* and *Terminer* for the Trial, Conviction, or Delivery of Offenders, and the inquiring, hearing, and determining of all such Murders in Manner therein mentioned, and all other the Clauses, Provisoes, Conditions, and Declarations concerning the Offence of Murder, and the inquiring, hearing, and Determination thereof, and the Trial, Conviction, or Delivery of such Offenders therein, as in the same Act are mentioned, shall be, and the same are hereby extended to the Offence of procuring, directing, counselling, commanding, or otherwise becoming an Accessary or Accessaries before the Fact to any Murder or Murders; and also to the Offence of Manslaughter, in like Manner as if those Offences had been expressly mentioned in the said last-recited Act; and in case any Offender or Offenders, shall, in pursuance of this or the said recited Act, be indicted for the Offence of Murder, and upon such Trial it shall appear that the Person or Persons, or any of them, so indicted and tried, is or are guilty of Manslaughter, and of no greater Offence, the Jury may on such Indictment find the Party or Parties guilty of Manslaughter only; (1) or in case of Doubt or Difficulty, may find a special Verdict, upon which there shall be the like Proceedings, Judgement, and Punishment, or Execution, as if the Offence had been committed within the Body of any County within this Realm, and such Trial had been had, and such General or Special Verdict had been found upon an Indictment for Murder, found and tried according to the Course of the Common Law by a Jury of the same County within which the Offence was committed.

If on Trial (under this or recited Act) of any Offender for Murder it shall appear he is guilty of Manslaughter only, the Jury may find accordingly, &c.

Act not to extend to Ireland.

VII. Provided, That nothing in this Act contained shall extend, or be construed to extend, to that Part of the United Kingdom called *Ireland*.

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(1) Perhaps few stronger Instances could be adduced of the Inconvenience arising from the voluminous Extent of the Statutes, unassisted by some Collection of those in more general Use, than the supposed Necessity of this Enactment; the same Provision having been made only four Years before, by St. 39 Geo. 3. c. 37. post, Class 12.

No. 62.

45 George III. c. 66.—An Act to prevent in *Great Britain* the illegally carrying away Bark; and for amending two Acts, passed in the sixth and ninth Years of his present Majesty's Reign, for the Preservation of Timber Trees, Underwoods, Roots, Shrubs, Plants, Hollies, Thorns, and Quicksets. —[27th. *June* 1805.]

[Inserted Pt. VI. Cl XL. No. 14.]

No. 63. *

52 Geo. III. c. 16.—An Act for the more exemplary Punishment of Persons destroying or injuring any Stocking or Lace Frames, or other Machines or Engines used in the Framework knitted Manufactory, or any Articles or Goods in such Frames or Machines; to continue in force until the first day of *March*, one thousand eight hundred and fourteen.* —[20th. *March* 1812.]

No. 64.

52 George III. c. 130.—An Act for the more effectual Punishment of Persons destroying the Properties of his Majesty's Subjects; and enabling the Owners of such Properties to recover Damages for the Injury sustained.—[18th. *July* 1812.]

'WHEREAS an Act passed in the first Year of the Reign of his Majesty King *George* the First, intituled, "An Act for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the Rioters:" And whereas an Act passed in the ninth Year of the Reign of his said Majesty King *George* the First, intituled, "An Act for the more effectual punishing wicked and evil disposed Persons, going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of his Majesty's Subjects, and for the more speedy bringing the Offenders to Justice:" And whereas an Act passed in the ninth Year of the Reign of his Majesty King *George* the Third, intituled, "An Act for the more effectual Punishment of such Persons

No. 64. 52 George III. c. 130.

1 Geo. 1. st. 2. c. 5.

9 Geo. 1. c. 22.

9 Geo. 3. c. 29.

* The Offence of Frame-breaking was, by this Act, made capital; which Provision was repealed by St. 54 Geo. III. c. 42, and Transportation for fourteen Years substituted in its Room.—At the Time of printing off this Sheet, an Act is on the point of passing by which the Offence is again made capital. The Act will be inserted in the Addenda, and noticed in the Table of Contents.

No. 64
52 George III. c. 130.

'as shall demolish or pull down, burn or otherwise destroy or 'spoil any Mill or Mills; and for preventing the destroying or 'damaging of Engines for draining Collieries and Mines; 'or Bridges, Waggon Ways or other Things used in convey'ing Coals, Lead, Tin or other Minerals from Mines; or 'Fences for inclosing Lands in pursuance of Act of Parlia'ment:" And whereas an Act passed in the forty-first Year of 'the Reign of his present Majesty King *George* the Third, 'intituled, "An Act for the indemnifying of Persons injured 'by the forcible pulling down and demolishing of Mills, or of 'Works thereunto belonging, by Persons unlawfully and riot'ously assembled:" And whereas an Act passed in the forty'third Year of the Reign of his present Majesty King *George* 'the Third, intituled, "An Act for the further Prevention of 'malicious Shooting, and attempting to discharge loaded Fire'Arms, stabbing, cutting, wounding, poisoning, and the 'malicious using of Means to procure the Miscarriage of 'Women; and also the malicious setting Fire to Buildings; 'and also for repealing a certain Act, made in *England*, in 'the twenty-first Year of the late King *James* the First, 'intituled 'An Act to prevent the destroying and murthering 'of Bastard Children" and also an Act made in *Ireland* in the 'sixth Year of the Reign of the late Queen *Anne*, also intituled "'An Act to prevent the destroying and murthering of 'Bastard Children;' and for making other Provisions in lieu 'thereof:" And whereas it is expedient and necessary that 'more effectual Provisions should be made far the Protection 'of Property not within the Provisions of the said Acts;' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who shall, from and after the passing of this Act, wilfully or maliciously burn or set fire to any Buildings, Erections or Engines, which shall be used or employed in the carrying on or conducting of any Trade or Manufactory, or any Branch or Department of any Trade or Manufactory of Goods, Wares or Merchandize, of any Kind or Description whatsoever, or in which any Goods, Wares or Merchandize, shall be warehoused or deposited, shall, upon being lawfully convicted thereof, be adjudged guilty of Felony, without Benefit of Clergy, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

[Margin notes: 41 G. 3. (U.K.) c. 24. — 43 G. 3. c. 58. — Wilfully destroying Buildings, &c. — Death.]

Demolishing Buildings, &c.

II. And be it further enacted, That if, after the passing of this Act, any Person or Persons unlawfully, riotously and tumultuously assembled together in Disturbance of the public Peace, shall unlawfully and with Force demolish or pull down, or begin to demolish or pull down, any Erection and Building or Engine which shall be used or employed in the carrying on or conducting of any Trade or Manufactory, or any Branch or Department of any Trade or Manufactory of Goods, Wares

or Merchandize, of any Kind or Description whatsoever, or in which any Goods, Wares or Merchandize, shall be warehoused or deposited, that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged Felony, without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in cases of Felony, without Benefit of Clergy. No. 64. 52 George III. c. 130. Death.

III. And be it further enacted, That the Person or Persons injured or damnified by such demolishing or pulling down, wholly or in Part, of any such Erection, Building or Engine as aforesaid, shall be entitled to, and may and is and are hereby empowered to recover the Value of such Erection, Building or Engine, and of the Machinery belonging thereto, or used therein, which shall be destroyed in such demolishing as aforesaid, or the Amount of the Damage which may be done to any such Erection, Building, or Engine or Machinery aforesaid, in such tumultuous and riotous demolishing in Part as aforesaid; and such Value or Damage shall and may be recovered, levied, raised and reimbursed, in such Manner and Form, and by such Ways and Means as are particularly provided, directed or referred to, in the said recited Act of the first Year of the Reign of his late Majesty King *George* the First, in respect of the several Descriptions of Buildings therein mentioned. Value of or Damage done to Manufactories, &c. recovered as under 1 G. 1. st. 2. c. 5.

IV. Provided always, and be it further enacted, That no Person or Persons shall be enabled to recover any Damages by virtue of this Act, unless he or they, by themselves or by their Servants, within two Days after such Damage or Injury done him or them by any such Offender or Offenders as aforesaid, shall give Notice of such Offence done and committed unto some of the Inhabitants of some Town, Village, or Hamlet near unto the Place where any such Fact shall be committed, and shall within four Days after such Notice, give in his, her or their Examination upon Oath, or the Examination upon Oath of his, her, or their Servant or Servants, that had the Care of his or their Erections, Buildings, Engines or Machinery so destroyed or damaged as aforesaid, before any Justice of the Peace of the County, Liberty or Division where such Fact shall be committed, inhabiting within the said Hundred where the said Fact shall happen to be committed, or near unto the same, whether he or they do know the Person or Persons that committed such Fact, or any of them; and if upon such Examination it be confessed that he or they do know the Person or Persons that committed the said Fact, or any of them, that then he or they so confessing shall be bound by Recognizance to prosecute such Offender or Offenders by Indictment or otherwise, according to the Law of this Realm: Provided also, that no Person who shall sustain any Damage by reason of any Offence to be committed by any Offender contrary to this Act, shall be thereby enabled to sue or bring any Action against any Inhabitants of any Hundred where such Offence shall be committed, except the Party or Parties sustaining such Damage shall commence his or their Action or Suit within one Proceedings to recover Damages. Recognizances. Proviso.

No. 64. 52 George III. c. 130. Year next after such Offence shall be committed: Provided nevertheless, that the Notice hereby required may and shall be given in *Scotland* to the Sheriff or Steward Depute or Substitute of the County or Stewartry where such Fact shall happen to be committed, in order that such Measures may be taken as the Law of *Scotland* prescribes in such cases.

Scotland.

No. 65.

54 George III. c. 42.—An Act to repeal an Act of the fifty-second Year of his present Majesty, for the Punishment of Persons destroying Stocking or Lace Frames, or any Articles in such Frames, and to make other Provisions instead thereof.—[20th. *December* 1813.]

[See Note to No 64, supra]

No. 66.

56 George III. c. 125.—An Act for the more effectual Punishment of Persons riotously destroying or damaging Buildings, Engines and Machinery used in and about Collieries and other Mines, Waggonways, Bridges and other Works, used in conveying and shipping Coals and other Minerals; and for enabling the Owners of such Property to recover Damages for the Injury sustained.—[1st. *July* 1816.]

No. 66. 56 George III. c. 125.

1 Geo. 1. st 2. c. 5.

9 Geo. 3. c. 29.

52 G. 3. c. 130.

'WHEREAS an Act passed in the first Year of the Reign of his Majesty King *George* the First, intituled, "An Act for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the Rioters." And whereas an Act passed in the ninth Year of the Reign of his present Majesty King *George* the Third, intituled, "An Act for the more effectual Punishment of such Persons as shall demolish or pull down, burn or otherwise destroy or spoil any Mill or Mills; and for preventing the destroying or damaging of Engines for draining Collieries and Mines, or Bridges, Waggonways or other things used in conveying Coals, Lead, Tin or other Minerals from Mines, or Fences for inclosing Lands, in pursuance of Act of Parliament." And whereas an Act passed in the fifty-second Year of the Reign of his present Majesty, intituled, "An Act for the more effectual Punishment of Persons destroying the Properties of his Majesty's Subjects, and enabling the Owners of such Properties to recover Damages for the Injury sustained:" And whereas it is expedient and necessary that more effectual Provisions should be made for the Protection of Property not

'within the Provisions of the said Acts:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if, after the passing of this Act, any Person or Persons unlawfully, riotously and tumultuously assembled together in Disturbance of the Public Peace, shall unlawfully and with Force demolish, pull down, destroy or damage, or begin to demolish, pull down, destroy or damage any Fire Engine or other Engine, erected or to be erected for making, sinking or working Collieries, Coal Mines or other Mines, or any Bridge, Waggonway or Trunk, erected or made, or to be erected or made for conveying Coals or other Minerals from any Colliery, Coal Mine or other Mine, to any Place, or for shipping the same, or any Staith or other Erection or Building for depositing Coals or other Minerals, or used in the Management or conducting of the Business of any such Colliery, Coal Mine or other Mine, whether the same Engines, Bridges, Waggonways, Trunks, Staiths, Erections and other Buildings or Works shall be respectively completed and finished, or only begun to be set up, made and erected, that then every such demolishing, pulling down, destroying and damaging, or beginning to demolish, pull down, destroy and damage, shall be adjudged Felony, without Benefit of Clergy: and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy.

No. 66. 56 George III. c. 125.

Demolishing or destroying Engines, Erections or other Works, belonging to Collieries, &c.

Death.

II. And be it further enacted, That the Person or Persons injured or damnified by such demolishing, pulling down, destroying or damaging, or beginning to demolish, pull down, destroy or damage any such Property hereinbefore specified, shall be entitled to and may and are hereby empowered to recover the Value of such Property hereinbefore specified, so demolished, pulled down, destroyed or damaged as aforesaid, or the Amount of the Damage done to the same as aforesaid; and such Value or Damage shall and may be recovered, levied, raised and reimbursed in such Manner and Form, and by such Ways and Means as are particularly provided, directed or referred to in the said recited Act of the first Year of the Reign of his late Majesty King *George* the First, in respect of the several Descriptions of Buildings therein mentioned.

Persons injured may recover Value of Property destroyed under 1 Geo. 1. st. 2. c. 5.

III. Provided always, and be it further enacted, That whenever any Person or Number of Persons shall so unlawfully assemble together in Disturbance of the Public Peace as aforesaid, the Person or Persons who is or are the Owner or Proprietor or Owners or Proprietors of any of the Engines, Works, Buildings, or other Property hereinbefore particularly specified, shall, as soon as conveniently may be after such unlawful Assembly shall take place, by himself or themselves, or by his or their Servants, give or cause to be given due Notice and Information of such Assembly having taken place, to some or one of the nearest Magistrates, and to the Constable or some

Owners of Engines and Works, &c. to give Notice to Magistrates of unlawful Assemblies; and after sustaining Damage, to give Notice within two Days after to some Inhabitants of Town, &c.

No. 66.
56 George III c. 125.

one of the resident Housekeepers of the Towns, Villages or Hamlets near to the Place where any such Assembly shall take place; and that no Person or Persons shall be enabled to recover any Damages by virtue of this Act, unless he or they shall have given such Notice and Information as aforesaid, by himself or themselves, or by his or their Servants, within two Days after such Damage or Injury done him or them by any such Offender or Offenders as aforesaid,† shall give Notice of such Offence done and committed, unto some of the Inhabitants of some Town, Village or Hamlet near unto the Place where any such Fact shall be committed; and shall within four Days after such Notice give in his or their Examination upon Oath, or the Examination upon Oath of his, her or their Servant or Servants, that had the Care of his, her or their Property hereinbefore specified, so destroyed or damaged as aforesaid, before any Justice of the Peace of the County, Liberty or Division where such Fact shall be committed, inhabiting within the said Hundred where the said Fact shall happen to be committed, or near unto the same, whether he or they do know the Person or Persons that committed such Fact, or any of them; and if upon such Examination it be confessed that he or they do know the Person or Persons that committed the said Fact, or any of them, that then he or they so confessing shall be bound by Recognizance to prosecute such Offender or Offenders, by Indictment or otherwise, according to the Law of this Realm: Provided also, that no Person who shall sustain any Damage by Reason of any Offence to be committed by any Offender contrary to this Act, shall be thereby enabled to sue or bring any Action against any Inhabitant of any Hundred where such Offence shall be committed, except the Party or Parties sustaining such Damage shall commence his or their Action or Suit within one Year next after such Offence shall be committed: Provided nevertheless, that the Notice hereby required may and shall be given in *Scotland* to the Sheriff or Stewart Depute, or Substitute of the County or Stewartry where such Fact shall happen to be committed, in order that such Measures may be taken as the Law of *Scotland* prescribes in such cases.

† Sic.

Examinations upon Oath to be had before a Justice within four Days as to a Knowledge of the Offenders.

Limitation of Action for Damages.

In Scotland Notice to be given to Sheriff, &c.